

MERRIAM MOUNTAINS SPECIFIC PLAN



APPENDIX B

NOTICE OF PREPARATION COMMENTS

GPA 04-06; SP 04-006; R04-013; VTM5381; S04-035, S04-036, S04-037,
S04-038; Log No. 04-08-028; SCH No. 2004091166

for the

DRAFT ENVIRONMENTAL IMPACT REPORT

August 2007

GARY L. PRYOR
DIRECTOR



County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017

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338 VIA VERA CRUZ - SUITE 201
SAN MARCOS, CA 92069-2620
(760) 471-0730

EL CAJON OFFICE
200 EAST MAIN ST - SIXTH FLOOR
EL CAJON, CA 92020-3912
(619) 441-4030

November 8, 2004

Stonegate, Merriam Mountains LLC
Attention: Joseph L. Perring
27071 Cabot Road, Suite 106
Laguna Hills, California 92653

RE: SP04-006, GPA04-006, R04-013, TM5381, S04-035, S04-036, S04-037 S04-038; MERRIAM MOUNTAINS; TRANSMITTAL OF AGENCY, ORGANIZATION AND PUBLIC COMMENTS ON THE DRAFT EIR

Dear Mr. Perring:

The Department of Planning and Land Use (DPLU) has circulated for public review a "Notice of Preparation" for the Environmental Impact Report (EIR) for your proposed project. Attached you will find the correspondence received. A copy of the Notice of Preparation and the comments received must be included in the appendices of the EIR. Please forward this information to your EIR consultant so that the salient comments raised can be addressed in the draft EIR.

Additionally, staff has reviewed this correspondence and has determined that the marked portions of the NOP comments should be addressed in preparation of the EIR.

If you have any specific questions regarding the above, please contact Maggie Loy, Project Environmental Analyst at (858) 694-3736 or e-mail at maggie.loy@sdcounty.ca.gov.

PROJECT SCHEDULE : Your project is presently on schedule.

SUBMITTAL REQUIREMENTS/DATE: Please comply with the submittal requirements and due date of March 14, 2005, as outlined in the "Request for Environmental Impact Report" letter from DPLU dated September 21, 2004.

If you have any questions regarding this letter or other aspects of your project, please contact me at (858) 694-3913.

Sincerely,

A handwritten signature in black ink, appearing to read "William Stocks". The signature is fluid and cursive, with a large, stylized "W" and "S".

WILLIAM STOCKS, Project Manager
Regulatory Planning Division

WS:ml

Attachments: NOP Responses

cc: Dudek & Associates, Inc., Attn: June Collins, 605 Third Street, Encinitas, CA
92024
Maggie Loy, DPLU, MS O650
Kristin Blackson, DPLU, MSO650
Lee Shick, DPW, MS O336
Marette Esperance, DPLU, MS O650
Glenn Russell, DPLU, MS O650
Claudia Anzures, Counsel, MS A12

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TO 918586943373

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

District 11 - 2829 Juan Street
P. O. BOX 85406, M.S. 50
San Diego, CA 92110-2799
PHONE (619) 688-6954
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*Flex your power!
Be energy efficient!*

October 29, 2004

11-SD-015
PM 36.64

Ms. Maggie Loy
San Diego County - DPLU
5201 Ruffin Rd., Suite 'B'
San Diego, CA 92123-1666

RE: Stonegate Merriam Mountains Specific Plan NOP (SCH 2004091166, GPA 04-06)

Dear Ms. Loy:

The California Department of Transportation (Department) appreciates the opportunity to review the Notice of Preparation (NOP) for the proposed Stonegate Merriam Mountains development, to be located immediately adjacent to the Interstate 15 (I-15) Right of Way (R/W), northwest of the I-15 / Deer Springs Road interchange.

As currently submitted, the proposed development has the potential to generate over 23,000 Average Daily Trips (ADTs), significantly affecting local and State transportation facilities. A traffic impact study will be necessary to determine the project's near-term and long-term effects. The study should be prepared in accordance with the Caltrans *Guide for the Preparation of Traffic Impact Studies*, dated December 2002 (TIS Guide, enclosed). Minimum contents of the traffic impact study are listed in Appendix "A" of the TIS Guide. Long-term impacts should be analyzed based on the year 2030 traffic forecast for the region.

The traffic impact study should determine where and what type of improvements might be needed to mitigate for future traffic generated by this development. The study should include a table that identifies the roadway segment and intersection Level of Service (LOS) for all conditions (i.e.: existing traffic, existing traffic with project traffic, 2030 traffic). The table should include the proposed development's direct and/or cumulative impacts and the required mitigation for road and intersection improvements.

Road segments to be analyzed include at least the I-15 main lanes as well as all ramp movements at the I-15 / Deer Springs Road / Mountain Meadow Road interchange. State-owned signalized intersections must be analyzed using the Intersecting Lane Vehicle (ILV) procedure from the Caltrans *Highway Design Manual* Topic 406, page 400-21 using the year 2030 traffic forecast. Signal warrants must be shown for all impacted I-15 ramp intersections where signals are required or proposed. The Department requires LOS "C" or better at State-owned facilities, including intersections. If an intersection is currently below LOS "C", any increase in delay from project-generated traffic must be analyzed and mitigated.

Ms. Maggie Loy
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(3) The Department supports the concept of "Fair Share Contributions" on the part of developers due to traffic impacts by proposed developments. This proposed development could be responsible for major improvements to the I-15 / Deer Springs Road interchange. Potential improvements may include – but not be limited to – widening and lengthening the existing I-15 / Deer Springs Road bridge, widening the existing ramps, ramp metering, modification to the ramp signals, and/or widening of I-15 with auxiliary lanes. Specific requirements will be addressed when the traffic study and environmental document are submitted to the Department for review. The Department may suggest that the developer pursue a Locally Funded Project through the County of San Diego for interchange improvements. The locally funded improvement process includes a Project Study Report (PSR), Project Report and Environmental Document, final design, and construction of the improvements.

The developer should demonstrate that the proposed drainage system onsite has adequate capacity and that flow will not be diverted onto Department R/W. Grading for this proposed project which would modify existing drainage and increase runoff to state facilities will not be allowed.

All signs visible to traffic on I-15 will need to be constructed in compliance with State and County regulations.

All lighting (including reflected sunlight) within this project should be placed and/or shielded so as not to be hazardous to vehicles traveling on I-15.

The Department will not be held responsible for any noise impacts to this development. If there is a noise impact, the developer has the responsibility to provide mitigation.

Any work performed within Department R/W will require an encroachment permit. Furthermore, the indirect effects of any mitigation within Department R/W must be addressed. The developer will be responsible for quantifying the environmental impacts of the improvements (project level analysis) and completing all appropriate mitigation measures for the impacts. The developer will also be responsible for procuring any necessary permits or approvals from regulatory and/or resource agencies. Information regarding encroachment permits may be obtained by contacting the Permits Office at (619) 688-6158. Early coordination with the Department is strongly advised for all encroachment permits.

(4) In lieu of reliance on the automobile for every trip, the Department supports the concept of a local circulation system which is pedestrian-, bicycle-, and transit-friendly in order to enable residents to choose alternative modes of transportation. Given the importance of mobility options, the project should provide an assessment of how various transportation options will be incorporated into the development. Improved transit accommodation through the

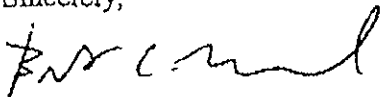
Ms. Maggie Loy
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Page Three

provision of park and ride facilities, signal prioritization, or other enhancements can also improve mobility. Transportation Demand Management strategies such as carpool and vanpool formation should be addressed as well.

5 While recognizing that topographic and environmental constraints may preclude a strict interconnected grid street network, roads which are routed in parallel can provide an alternative to using the interregional roads or highway, thereby helping to alleviate congestion on State facilities.

The Department appreciates the opportunity to review this development proposal. For specific questions on Traffic Operations, please contact Keith Ploettner at (858) 616-6670. For specific questions on I-15 please contact Marcelo Peinado at (619) 718-7835 or Gustavo Dallarda at (619) 688-6738. For general questions on the Department's comments, please contact Brent McDonald at (619) 688-6819.

Sincerely,



for MARIO H. ORSO, Chief
Development Review Branch

cc: BMcDonald	Planning	MS-50
KPloettner	Traffic Ops	MS-55
Scott Morgan	State Clearing House	

B

State of California - The Resources Agency

ARNOLD SCHWARZENEGGER, Governor



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201



October 28, 2004

Mr. Gary Pryor
County of San Diego, Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

Attention: Maggie Loy

Re: Comments on the Notice of Preparation for the Merriam Mountains Specific Plan
Environmental Impact Report, County of San Diego, California (ER 04-08-028)

Dear Mr. Pryor:

The California Department of Fish and Game (Department) has reviewed the above-referenced Notice of Preparation (NOP) and associated CEQA Initial Study, Environmental Checklist Form, and Figures for the Draft Environmental Impact Report (DEIR) for the Merriam Mountains Specific Plan, dated September 30, 2004. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381 respectively. The Department is responsible for the conservation, protection, and management of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA), and administers the Natural Community Conservation Planning Program (NCCP).

The proposed project is a master planned community integrating residential, commercial, recreational and open space land uses. The project would allow a maximum of 2,391 dwelling units within the 2,320 acre area, ranging in density from 0.5 dwelling unit per acre to 20.0 dwelling units per acre. Approximately 1,820 acres of open space would be retained. In addition, 12.9 acres of neighborhood commercial, 24 private parks, a public park, 21.3 miles of trails, and associated community facilities and infrastructure are proposed. The project would be developed in four phases over about 10 years. The site is bounded by Interstate 15 on the east, Deer Springs Road on the south, and Twin Oaks Valley Road on the west. The project is in the North County Metro and Bonsall Community Planning Areas within the unincorporated area of San Diego County.

The vegetation communities on-site include Diegan coastal sage scrub, southern mixed chaparral (including mafic chaparral), non-native grasslands, southern willow scrub, freshwater marsh, mule fat scrub, coast live oak/sycamore riparian woodland, and non-wetland drainages. Sensitive wildlife species recorded on-site include the California gnatcatcher, San Diego horned lizard, orange-throated whiptail, coastal whiptail, northern red diamond rattlesnake, and San Diego

Mr. Pryor (CEQA 2004 0972 R5)

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desert woodrat. In addition, the NOP indicates that there is potential for the project to impact the movement of native resident or migratory wildlife species.

Specific Comments

1. The project site supports at least one federally listed species and several other sensitive species and large tracts of numerous sensitive habitats. One of the basic purposes of CEQA is to "prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible" (CEQA Guidelines, Section 15002 (a)(3); emphasis added). Because of the magnitude of the acreage involved and the many sensitive species and habitats that would be negatively affected or lost by the proposed project, the CEQA alternatives analysis for this project is extremely important.

The Department is particularly interested in the EIR describing "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives," as required by Section 15126.6 (a) of the CEQA Guidelines (emphases added). The alternatives are to include "alternatives [that] would impede to some degree the attainment of the project objectives, or would be more costly" (Section 15126.6 [b] of the CEQA Guidelines). "The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making" (Section 15126.6 [f] of the CEQA Guidelines). The Department will consider the alternatives analyzed in the context of their relative impacts on biological resources on both a local and regional level.

2. We recommend that the project design maximize the contiguity of the biological open space both to the undeveloped land beyond the project footprint and between adjacent areas of development. Without contiguity (i.e., with habitat fragmentation), there would be substantial loss of the land's long-term conservation value, as well as value to these areas as on-site mitigation that the EIR may propose.
3. We recommend avoidance of any development or conversion which would result in a reduction of wetland acreage or wetland habitat values. Unavoidable impacts should be offset with mitigation measures that assure there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands, and watercourses, whether intermittent or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations.
4. The introduction of nonnative plant and animal species can reduce the quality of native habitats on-site. Accordingly, we request that no invasive exotic plant species be used in the landscaping for the proposed project. We recommend the use of native plants to the greatest

Mr. Pryor (FWS-SDG-2356.1)

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extent feasible in the landscape areas for the project. Exotic plant species not to be used include those species listed on Lists A & B of the California Invasive Plant Council's list of "Exotic Pest Plants of Greatest Ecological Concern in California as of October 1999." This list includes such species as: pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom.

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5. The Department, U.S. Fish and Wildlife Service, and the County are currently preparing a Natural Communities Conservation Plan (NCCP) for the North County Segment of the Multiple Species Conservation Program (MSCP) which encompasses the project site. The EIR must address the context of the Merriam Mountains Specific Plan in relation to this regional planning effort. The development footprint should not preclude future reserve design. Analysis of this regional planning effort should include a review of all adjacent potential development projects. This should include a written analysis and mapping of the project's proposed open space areas, linkage/corridors and development footprint in relation to future projects that may develop in the vicinity. This analysis must assess how the proposed open space for the Merriam Mountains Specific Plan will contribute to regional conservation planning efforts in the North County MSCP.

General Comments

To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish and wildlife, we recommend the following information be included in the DEIR:

4. A complete discussion of the purpose and need for, and description of, the proposed project.
5. A complete list and assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying State or federally listed rare, threatened, endangered, or proposed candidate species, California Species-of-Special Concern and/or State Protected or Fully Protected species, and any locally unique species and sensitive habitats. Specifically, the DEIR should include:
 - a. A thorough assessment of Rare Natural Communities on site and within the area of impact, following the Department's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities.
 - b. A current inventory of the biological resources associated with each habitat type on-site and within the area of impact. The Department's California Natural Diversity Data Base in Sacramento should be contacted at (916) 327-5960 to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
 - c. An inventory of rare, threatened, and endangered species on-site and within the area of impact. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380).

Mr. Pryor (FWS-SDG-2356.1)

- d. Discussions regarding seasonal variations in use by sensitive species of the project site as well as the area of impact on those species, using acceptable species-specific survey procedures as determined through consultation with the Department and/or Service. Focused species-specific surveys, conducted in conformance with established protocols at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.
3. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources. All facets of the project should be included in this assessment. Specifically, the DEIR should provide:
- a. Specific acreage and descriptions of the types of wetlands, coastal sage scrub, and other sensitive habitats that will or may be affected by the proposed project or project alternatives. Maps and tables should be used to summarize such information.
 - b. Discussions regarding the regional setting, pursuant to the CEQA Guidelines, Section 15125(a), with special emphasis on resources that are rare or unique to the region that would be affected by the project. This discussion is critical to an assessment of environmental impacts.
 - c. Detailed discussions, including both qualitative and quantitative analyses, of the potentially affected listed and sensitive species (fish, wildlife, plants), and their habitats on the proposed project site, area of impact, and alternative sites, including information pertaining to their local status and distribution. The anticipated or real impacts of the project on these species and habitats should be fully addressed.
 - d. Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed NCCP reserve lands. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated and provided. A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site.
 - e. Discussions regarding possible conflicts resulting from wildlife-human interactions at the interface between the development project and natural habitats. The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions.
 - f. An analysis of cumulative effects, as described under CEQA Guidelines, Section 15130. General and specific plans, and past, present, and anticipated future projects, should be analyzed concerning their impacts on similar plant communities and wildlife habitats.

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- g. If applicable, an analysis of the effect that the project may have on completion and implementation of regional and/or subregional conservation programs. Under Section 2800 through Section 2840 of the Fish and Game Code, the Department, through the NCCP program, is coordinating with local jurisdictions, landowners, and the Federal Government to preserve local and regional biological diversity. Coastal sage scrub is the first natural community to be planned for under the NCCP program. The Department recommends that the Lead Agency ensure that the development of this and other proposed projects do not preclude long-term preserve planning options and that projects conform to other requirements of the NCCP program. Jurisdictions participating in the NCCP program should assess specific projects for consistency with the NCCP Conservation Guidelines.
4. Mitigation measures for adverse project-related impacts on sensitive plants, animals, and habitats. Measures to fully avoid and otherwise protect Rare Natural Communities (Attachment 2) from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.

Mitigation measures should emphasize avoidance, and where avoidance is infeasible, reduction of project impacts. For unavoidable impacts, off-site mitigation through acquisition and preservation in perpetuity of the affected habitats should be addressed. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts on rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.

This discussion should include measures to perpetually protect the targeted habitat values where preservation and/or restoration is proposed. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used; (c) a schematic depicting the mitigation area; (d) time of year that planting will occur; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on-site; (g) success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the entity(ies) that will guarantee achieving the success criteria and provide for conservation of the mitigation site in perpetuity.

Mitigation measures to alleviate indirect project impacts on biological resources must be included, including measures to minimize changes in the hydrologic regimes on-site, and means to convey runoff without damaging biological resources, including the morphology of on-site and downstream habitats.

5. As discussed previously, descriptions and analyses of a range of alternatives to ensure that alternatives to the proposed project are fully considered and evaluated. The analyses must

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include alternatives that avoid or otherwise reduce impacts to sensitive biological resources. Specific alternative locations should be evaluated in areas of lower resource sensitivity where appropriate.

If appropriate, a jurisdictional delineation of lakes, streams, and associated riparian habitats should be included in the EIR, including a wetland delineation pursuant to the U.S. Fish and Wildlife Service definition (Cowardin 1979) adopted by the Department. Please note that wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.

The proposed project may require a Lake or Streambed Alteration Agreement (SAA). The Department has direct authority under Fish and Game Code Section 1600 *et seq.* regarding any proposed activity that would divert, obstruct, or affect the natural flow or change the bed, channel, or bank of any river, stream, or lake. The Department's issuance of a SAA for a project that is subject to CEQA requires CEQA compliance actions by the Department as a Responsible Agency. As a Responsible Agency under CEQA, the Department may consider the City's (Lead Agency's) CEQA documentation. To minimize additional requirements by the Department pursuant to Section 1600 *et seq.* and/or under CEQA, the documentation should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the agreement. A SAA notification form may be obtained by writing to the Department of Fish and Game, 4949 Viewridge Avenue, San Diego, California 92123-1662, or by calling (858) 636-3160, or by accessing the Department's web site at <http://www.dfg.ca.gov> www.dfg.ca.gov/1600. The Department's SAA Program holds regularly scheduled pre-project planning/early consultation meetings. To make an appointment, please call our office at (858) 636-3160.

The Department appreciates the opportunity to comment on the NOP. We are available to work with the City and their consultants to obtain any necessary permits for the proposed project. Please contact Nancy Frost at (858) 467-4230 if you have any questions or comments concerning this letter.

Sincerely,

for Theresa A. Stewart
Donald Chadwick
Senior Environmental Scientist
California Department of Fish and Game

cc: State Clearinghouse
Michelle Moreno, U.S. Fish and Wildlife Service

Mr. Pryor (FWS-SDG-2356.1)

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Literature Cited

Cowardin, Lewis M., V. Carter, G. C. Golet, and E. T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. Fish and Wildlife Service, U.S. Department of the Interior. U. S. Government Printing Office, Washington, D.C.



Terry Tamminen
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

5796 Corporate Avenue
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Arnold Schwarzenegger
Governor

October 29, 2004

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Ms. Maggie Loy
Department of Planning and Land Use
County of San Diego
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San Diego, California 92123

San Diego County
DEPT. OF PLANNING & LAND USE

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT
(EIR) FOR THE MERRIAM MOUNTAIN SPECIFIC PLAN-GPA 04-06, SP 04-06,
R04-013, TM 5381, S04-035, S04-036, S04-037, S04-038, ER 04-08-028
(SCH#2004091166)

Dear Ms. Loy:

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. The following is stated in your document about the 2,320 acre site Specific Plan: "Development of a master-planned community integrating residential, commercial, recreational and open space land uses, including a maximum of 2,391 dwelling units, 12.9 acres of neighborhood commercial, 24 private parks, a public park, 21.3 miles of trails, and associated community facilities and infrastructure. Approximately 1,820 acres of open space is retained." Based on the review of the submitted document DTSC has comments as follows:

- ① 1) The EIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances. Your document states that most of the project site is vacant, undeveloped land with a small portion of the site used for agricultural use.
- ② 2) The EIR should identify any known or potentially contaminated sites within the proposed Project area. For all identified sites, the EIR should evaluate whether conditions at the site may pose a threat to human health or the environment. A Phase I Assessment may be sufficient to identify these sites. Following are the databases of some of the regulatory agencies:

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - Site Mitigation Program Property Database (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control.
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 3) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state regulations and policies.

- 4) All environmental investigations, sampling and/or remediation should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous waste cleanup. The findings and sampling results from the subsequent report should be clearly summarized in a table in the EIR.
- ③ 5) Proper investigation, sampling and remedial actions overseen by a regulatory agency, if necessary, should be conducted at the site prior to the new development or any construction.
- 6) If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a "Border Zone Property."
- 7) If building structures, asphalt or concrete-paved surface areas or transportation structures are planned to be demolished, an investigation should be conducted for the presence of lead-based paints or products and asbestos containing materials (ACMs). If lead-based paints or products or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- 8) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.
- 9) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 10) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the

California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5).

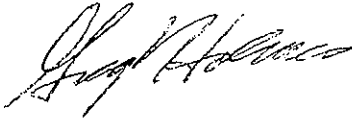
- 11) If it is determined that hazardous wastes are or will be generated and the wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from DTSC may be required. If so, the facility should contact DTSC at (818) 551-2171 to initiate pre application discussions and determine the permitting process applicable to the facility.
- 12) If it is determined that hazardous wastes will be generated, the facility should obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.
- 13) Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 14) If the project plans include discharging wastewater to storm drain, you may be required to obtain a wastewater discharge permit from the overseeing Regional Water Quality Control Board.
- 15) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the EIR should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.
- 16) Since part of the site was used for agricultural activities or weed abatement, onsite soils may contain pesticide, herbicides and agricultural chemical residue. If the site was used for dairy and cattle industry operations, the soil may contain related dairy, animal, or hazardous waste. If so, activities at the site may have contributed to soil and groundwater contamination. Proper investigation and remedial actions, if necessary, should be conducted at the site prior to construction of the project.

DTSC provides guidance for cleanup oversight through the Voluntary Cleanup Program (VCP) or an Environmental Oversight Agreement (EOA). For additional information on the VCP, please visit DTSC's web site at www.dtsc.ca.gov/SiteCleanup/brownfields/.

Ms. Maggie Loy
October 29, 2004
Page 5

If you have any questions regarding this letter, please contact Ms. Teresa Hom, Project Manager, at (714) 484-5477 or email at thom@dtsc.ca.gov.

Sincerely,



Greg Holmes
Unit Chief
Southern California Cleanup Operations Branch - Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Ceqa#966



DIVISION OF
LAND RESOURCE
PROTECTION

■ ■ ■

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■ ■ ■

ARNOLD
SCHWARZENEGGER
GOVERNOR

DEPARTMENT OF CONSERVATION
STATE OF CALIFORNIA

October 28, 2004

Ms. Maggie Loy
San Diego County Department of Planning
And Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

RECEIVED
NOV 04 2004

San Diego County
DEPT. OF PLANNING & LAND USE

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) Merriam Mountains Specific Plan GPA 04-06, SP 04-06, R04-013, TM 5381, S04-035, S04-036, S04-037, S04-038, ER 04-08-028 **SCH# 2004091166**

Dear Ms. Loy:

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above NOP and offers the following recommendations for the DEIR with respect to the project's potential impacts on agricultural land.

The proposed project involves development of a master-planned community with residential (2,391 dwelling units), commercial, recreational and open space land uses. The project site consists of 2,320 acres and 1,820 of these acres will be retained as open space. The NOP notes that the project site and surrounding area have been designated as Prime Farmland, Farmland of Statewide Importance and Unique Farmland. The NOP also notes that additional information and analysis is required to address direct or cumulative impacts to farmland. The Division recommends that, at a minimum, the following items be specifically addressed to document and treat the project impacts on agricultural land and land use.

Agricultural Setting of the Project

The DEIR should describe the project setting in terms of the actual and potential agricultural productivity of the land. The Division's San Diego County Important Farmland Map, which defines farmland according to soil attributes and land use, can be used for this purpose. (A majority of the project site is designated on the Important Farmland Map as Other Land with most agricultural uses to the north, west and south.) In addition, we

recommend including the following information to characterize the agricultural land resource setting of the project.

- ① • Current and past agricultural use of the project area. Include data on the types of crops grown, and crop yields and farmgate sales values.
- ② • To help describe the full agricultural resource value of the soils on the site, we recommend the use of economic multipliers to assess the total contribution of the site's potential or actual agricultural production to the local, regional and state economies. State and Federal agencies such as the UC Cooperative Extension Service and USDA are sources of economic multipliers.

Project Impacts on Agricultural Land

- Type, amount, and location of farmland conversion resulting directly and indirectly (growth-inducement) from project implementation.
- Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, etc.
- Incremental project impacts leading to cumulatively considerable impacts on agricultural land. This would include impacts from the proposed project as well as impacts from past, current and probable future projects.

Mitigation Measures and Alternatives

Feasible alternatives to the project's location or configuration that would lessen or avoid farmland conversion impacts should be considered in the DEIR. Similarly, while the direct conversion of agricultural land is often deemed to be an unavoidable impact by California Environmental Quality Act (CEQA) analyses, mitigation measures must nevertheless be considered.

- ③ The Division recommends consideration of purchasing agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land, as well as for the mitigation of growth inducing and cumulative impacts on agricultural land. We highlight this measure because of its growing acceptance and use by lead agencies as mitigation under CEQA.

Mitigation using conservation easements can be implemented by at least two alternative approaches: the outright purchase of conservation easements tied to the project, or via the donation of mitigation fees to a local, regional or statewide organization or agency, including land trusts and conservancies, whose purpose includes the purchase, holding and maintenance of agricultural conservation easements. Whatever the approach, the conversion of agricultural land should be deemed an impact of at least regional significance and the search for mitigation lands conducted regionally, and not limited strictly to lands in the immediate vicinity of the project.

Information about conservation easements is available on the Division's website, or by contacting the Division at the address and phone number listed below. The Division's website address is:

Ms. Maggie Loy
October 28, 2004
Page 3 of 3

<http://www.conservation.ca.gov/DLRP/>

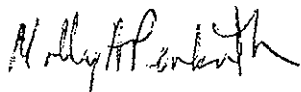
Of course, the use of conservation easements is only one form of mitigation that should be considered. The following mitigation measures could also be considered:

- Increasing home density or clustering residential units to allow a greater portion of the development site to remain in agricultural production.
- Protecting nearby farmland from *premature* conversion through the use of less than permanent long-term restrictions on use such as 20-year Farmland Security Zone contracts (Government Code Section 51296) or 10-year Williamson Act contracts (Government Code Section 51200 et seq.).
- Establishing buffers such as setbacks, berms, greenbelts, and open space areas to separate farmland from incompatible urban uses.
- Investing in the commercial viability of the remaining agricultural land in the project area through a mitigation bank which invests in agricultural infrastructure, water supplies and marketing.

The Department believes that the most effective approach to farmland conservation and impact mitigation is one that is integrated with general plan policies. For example, the measures suggested above could be most effectively applied as part of a comprehensive agricultural land conservation element in the County's general plan. Mitigation policies could then be applied systematically toward larger goals of sustaining an agricultural land resource base and economy. Within the context of a general plan mitigation strategy, other measures could be considered, such as the use of transfer of development credits, mitigation banking, and economic incentives for continuing agricultural uses.

Thank you for the opportunity to comment on the NOP. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0850.

Sincerely,



Dennis J. O'Bryant
Acting Assistant Director

cc: RCD of Greater San Diego
332 South Juniper, Suite 110
Escondido, CA 92025

GPA 04-06
E



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(619) 531-5400 • FAX (619) 557-4190
Website: www.sdlafco.org

San Diego Local Agency Formation Commission

Chairwoman

Patty Davis
Councilmember
City of Chula Vista

October 13, 2004

Vice Chairman

Bud Pocklington
South Bay Irrigation District

TO: Maggie Loy, Land Use Environmental Planner II (O650)
Department of Planning and Land Use

Members

Donna Frye
Councilmember
City of San Diego

FROM: Laura Biery, Local Governmental Analyst (A216)
Local Agency Formation Commission

Jill D. Greer
Councilmember
City of Lemon Grove

SUBJECT: Notice of Preparation of an Environmental Impact Report;
MERRIAM MOUNTAINS SPECIFIC PLAN

Bill Horn
County Board of
Supervisors

Thank you for the opportunity to comment on the above-referenced Notice of Preparation. As you know, LAFCO is responsible for encouraging the efficient provision of public services and has purview over changes to local government organization and any associated sphere of influence actions. Usually, LAFCO is a responsible agency for environmental review when jurisdictional changes and/or sphere amendments are proposed. Because jurisdictional changes and sphere amendments are proposed with the Merriam Mountains project, LAFCO will be a responsible agency for environmental review. Environmental documents should always contain a discussion of public facilities, how public services are to be provided to the project area, and the ability of existing agencies to provide that service. With this in mind, we offer the following comments:

Dianne Jacob
County Board of
Supervisors

Andrew L. Vanderlaan
Public Member

Ronald W. Wootton
Vista Fire Protection District

Alternate Members

Greg Cox
County Board of
Supervisors

Water and Sewer Services

Harry Mathis
Public Member

According to the Notice of Preparation, the project area is divided between the Vallecitos Water District (WD) and the Rainbow Municipal Water District (MWD) for water and sewer service. Generally, it is preferred that a project be within only one agency for service provision to reduce jurisdictional confusion related to administration, liability, and infrastructure planning. Over 95% of the proposed project is within the sphere of influence and service area of the Vallecitos WD. To place the entire development within one agency, a reorganization involving an annexation to Vallecitos WD of 83.71 acres (APN 172-091-25), an amendment to the District's sphere of influence to include the additional 83.71 acres, and detachment from Rainbow MWD must be processed by LAFCO. This matter should be discussed and agreed upon between the two affected districts and clarified in the final environmental document.

Andrew J. Menshek
Padre Dam
Municipal Water District

Betty Rexford
Councilmember
City of Poway

(Vacant)
Councilmember
City of San Diego

Executive Officer

Michael D. Ott

Counsel

William D. Smith

In addition, the nearest existing Vallecitos WD sewer line is located at the corner of Sarver Lane and Deer Springs Road south of the project area. Extensive upsizing of the Vallecitos WD wastewater system including construction of additional pump stations and facilities will be necessary to accommodate sewer service for the proposed project area by Vallecitos WD. Furthermore, while a majority of the project is adjacent to existing water facilities in the Vallecitos WD, the project is not included in the current Vallecitos WD Master Plan for water or sewer service and will require a separate master plan to accommodate expansion of the existing water and wastewater facilities to serve the project.

Fire and Paramedic Services

2

While not mentioned in the Notice of Preparation, LAFCO research indicates that all but approximately 9 acres of the proposed project are within the Deer Springs Fire Protection District (FPD). The 9 acres outside of the Deer Springs FPD are currently within the service area of the San Marcos Fire Protection District (FPD). As mentioned in previous comments, it is generally preferred that a project be within only one agency for service provision to reduce jurisdictional confusion. With this in mind, a reorganization would need to be processed by LAFCO involving the detachment of two parcels (APNs 182-040-36 and 182-040-69) totaling approximately 9 acres from the San Marcos FPD and annexation of the parcels into the Deer Springs FPD. This matter should be discussed and agreed upon between the two affected districts and clarified in the final environmental document. It should also be noted that the parcels are not currently within the sphere of influence for the Deer Springs FPD and a sphere amendment may need to be processed prior to or concurrent with this reorganization. The parcels are within the sphere of influence for the City of San Marcos and an amendment or update to the San Marcos sphere may be necessary to resolve this boundary issue.

Municipal Service Review

3

Effective January 1, 2001, Government Code Section 56430 requires that LAFCO conduct service reviews for all local government agencies that provide public services in San Diego County. Known as a Municipal Service Review (MSR), the study is devoted to examining and analyzing the manner, efficiency, and effectiveness with which services are provided to the public. Because an MSR evaluates service provision in a geographic area, it usually involves a simultaneous review of multiple service providers. Service reviews are intended to be a means of examining existing and future service conditions and potential options for the provision of services. Service reviews are conducted prior to, or in conjunction with, an update to an agency's sphere of influence. The size and scope of the sphere amendment necessary for Vallecitos Water District to provide services to the entire project may trigger an update to the MSR that was approved in 2003 that addressed the Vallecitos WD. The service review would analyze the ability of the District to provide services to the site based on the nine determinations outlined in State Law. A copy of San Diego LAFCO's adopted Legislative Policy entitled

Strategy for Conducting and Using Municipal Service Reviews (Policy L-106) is attached.

Sphere of Influence Update

Currently, all but 83.71 acres of the project are within the sphere of influence for the Vallecitos Water District. As previously mentioned, a reorganization involving the Vallecitos WD and Rainbow MWD should be processed by LAFCO. Since an amendment to the Vallecitos WD sphere would be processed in conjunction with the reorganization, the Vallecitos WD's sphere should be updated as well. This Sphere Update would coincide with a Municipal Service Review regarding the Vallecitos WD's ability to provide services to the proposed development. In addition, it should be noted that the project is currently within the Spheres of Influence for both the Cities of Escondido and San Marcos. While not adjacent to the corporate boundaries of either City, both cities should be allowed to comment on the proposed project due to its inherent impacts both on services provided by the cities as well as infrastructure planning. Any change to the sphere of influence for the Cities of San Marcos or Escondido may necessitate an update to the Cities' spheres and the preparation of a Municipal Service Review. ✓

Agricultural and Open Space Preservation Policy

According to Government Code Section 56300, LAFCOs have been instructed by the State Legislature to establish policies addressing the preservation of open space and agricultural lands. Consideration of how spheres of influence and/or changes of local governmental organization could affect open space and prime agricultural lands is required when the commission considers proposed jurisdictional changes. The purpose of the policy is to assist LAFCO in guiding development away from prime agricultural land. The San Diego LAFCO has adopted a Legislative Policy entitled Agricultural and Open Space Preservation (Policy L-101). A copy of this policy is attached and should be referenced in the EIR.

Of particular concern to LAFCO is the conversion of prime agricultural land to other uses. The EIR needs to contain a thorough discussion of the location and impacts of this project to prime agricultural land, as defined in Government Code Section 56064. As proposed, the Notice of Preparation does outline that the project will preserve some existing open space. Nonetheless, the project would still result in the conversion of agricultural land to residential uses. Therefore, the EIR needs to address the preservation of agricultural and open space lands in accordance with Policy L-101 and Government Code Section 56377.

Regional Housing Needs Assessment

According to Government Code Section 56668 (L), LAFCOs have been instructed to take into consideration, when examining a proposed change in local government organization, the affect a proposal will have on a city or cities and the county in

6 achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with section 65580) of Chapter 3 of Division 1 of Title 7. This affect on the regional housing needs assessment for the County and the Cities of San Marcos and Escondido should be addressed in the environmental document.

County of San Diego Multiple Species Conservation Program (MSCP)

As described on the County of San Diego's MSCP website,

"The San Diego County Board of Supervisors established the Multiple Species Conservation Program (MSCP) in October 1997 as an integral part of the County's efforts to protect parks and open space. The protection of sensitive plant and animal species by the MSCP eliminates the need to list the species as endangered under Federal and State Endangered Species Acts and reduces the costly permit process for private landowners and public agencies...The County is working on a plan for the northern part of the unincorporated area (North County Subarea Plan) that extends from the area around the incorporated cities of Oceanside, Encinitas, San Marcos, Vista, and Escondido east to the Cleveland National Forest and north to the County line...The MSCP does not place a moratorium on development. However, all development projects must be in conformance with the MSCP through the Biological Mitigation Ordinance." (www.sdcountry.ca.gov)

LAFCO recommends the inclusion of a discussion of the MSCP and possible impacts on the project as a result of the North County Subarea Plan in the proposed Environmental Impact Report.

Should you have any questions, or if LAFCO may be of further assistance, please contact me at (619) 531-5400.

Sincerely,



LAURA A. BIERY

Local Governmental Analyst

LAB:tjc

Attachments: Strategy for Conducting and Using Municipal Service Reviews (L-106)
Agricultural and Open Space Preservation Policy (L-101)

cc: Jerry Backhoff, City of San Marcos
Charles Grimm, City of Escondido

Subject:**STRATEGY FOR CONDUCTING AND USING MUNICIPAL SERVICE REVIEWS****Purpose**

To establish a framework that will assist the Local Agency Formation Commission in the preparation of municipal service reviews, while maintaining a focus on the service review determinations specified in State Law.

Background

AB 2838 (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) requires Local Agency Formation Commissions to conduct countywide, regional, or sub-regional municipal service reviews either before, or in conjunction with, sphere updates to help ensure the efficient provision of local governmental services. The process of information collection, data analysis, and development of the service review determinations requires a high level of participation and cooperation between San Diego LAFCO and local agencies.

Policy

It is the policy of the San Diego Local Agency Formation Commission to use the following six strategies to assist in the preparation of municipal service reviews:

1. *Scope of Work:* In order to successfully manage the data collection and analysis processes and guide service reviews toward timely completion, each service review should have a well-defined scope of work that incorporates the following:
 - a. Develop and adhere to a realistic and manageable scope of work.
 - b. Define the services to be reviewed.
 - c. Identify unambiguous geographic boundaries for study areas.
 - d. Define the time period under review.
 - e. Defer review of services or service providers, which are marginally related to the pending service review, to subsequent service reviews, if necessary and appropriate.

2. *Requests for Information:* Collection of data is dependent on the cooperation and voluntary participation of local agencies. Requests for information should not represent an undue burden to local agencies and should be conducted in the following manner to maximize cooperation and participation levels:
 - a. Discourage multiple requests for information unless there are compelling reasons.
 - b. Limit requests for information to matters that are essential to conduct the service review and relevant to the nine determinations required by Government Code § 56430.
3. *Service Review Time Frame:* Service reviews provide a snapshot view of service delivery issues and are not meant to be ongoing studies. The following approaches will enable service reviews to be conducted in the shortest amount of time:
 - a. Develop a task and time schedule for each service review and adhere to it.
 - b. Confine data collection to the time period established under the scope of work unless there are compelling reasons to expand the time frame.
4. *Regional View* Service reviews represent programmatic or macro-level information reports. The following approaches will reinforce the programmatic focus of service reviews:
 - a. Adhere to the nine service review determinations in maintaining a programmatic view of service delivery.
 - b. Focus on service delivery programs, procedures, policies and rules, rather than individuals who may be involved in the service delivery programs.
 - c. Collect micro-level data only if necessary and if associated with programmatic aspects of service delivery.
5. *Level of Inquiry:* Multiple agencies may be involved with a service review. Individual agencies may be subject to different levels of review and inquiry based on the following:
 - a. Allow for variation within the type and amount of information requested for each service review and from each local agency based on unique circumstances.

- b. Utilize the judgment of staff, commissioners, advisory committees, stakeholders, public and agencies, etc., to establish an appropriate level of inquiry and data collection.
 - c. Defer the collection of data that is marginally related to the pending service review to subsequent service reviews.
6. *Data Accuracy*: Accurate data is essential for making meaningful conclusions and determinations. In some cases, LAFCO staff may not be qualified to ascertain accuracy of data and will need to obtain outside assistance. In other instances, either raw data, or conclusions of service review may not be germane to LAFCO's purview of the service review determinations required by State Law. In order to maintain focus on accuracy and relevancy of data:
- a. Utilize LAFCO staff, the Commission's advisory committees, local service agencies, or other appropriate organizations to determine data accuracy and relevancy.
 - b. Refer service reviews to other regulatory agencies if data is determined to pertain to areas outside of LAFCO's purview, or is not relevant to a pending service review.

Adopted: April 7, 2003

Subject**PRESERVATION OF OPEN SPACE AND AGRICULTURAL LANDS****Purpose**

To further the policies and priorities of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 regarding the preservation of open space and prime agricultural lands.

Background

The State Legislature has instructed Local Agency Formation Commissions to establish policies that address the preservation of open space (Govt. Code § 56300 and 56377). LAFCOs are required to consider how spheres of influence or changes of local governmental organization could affect open space and prime agricultural lands. Commissions are directed to guide development away from prime agricultural lands – unless that action would not promote the planned, orderly and efficient development of an area – and to encourage development of existing vacant or non-prime agricultural lands within a jurisdiction before approving any proposal that would allow development of open-space lands outside of an agency's boundary (Govt. Code § 56377). Proposals must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands (Govt. Code § 56668).

Policy

It is the policy of the San Diego Local Agency Formation Commission to:

1. Discourage proposals that would convert prime agricultural or open space lands to other uses unless such an action would not promote the planned, orderly, efficient development of an area *or* the affected jurisdiction has identified all prime agricultural lands within its sphere of influence and adopted measures that would effectively preserve prime agricultural lands for agricultural use;
2. Require rezoning of territory (city only) to identify areas subject to agricultural/preservation and planned development;

3. Follow San Diego LAFCO's adopted procedures to define agricultural and open space lands and to determine when a proposal may adversely affect such lands.

Adopted: November 6, 1978
Amended: June 4, 1990
Amended: May 4, 1998
Technically Updated: January 1, 2001

Cross reference:

SAN DIEGO LAFCO PROCEDURES:
-Open Space and Agricultural Preservation



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Fax (619) 699-1905
www.sandag.org

October 13, 2004

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OCT 19 2004

San Diego County
DEPT. OF PLANNING & LAND USE

Ms. Maggie Loy
San Diego County Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Dear Ms. Loy:

Subject: NOP – MERRIAM MOUNTAINS SPECIFIC PLAN

SANDAG would like the opportunity to comment on the above-referenced project. As the Congestion Management Agency for the San Diego region, SANDAG is responsible for preparing and coordinating the implementation of a Congestion Management Program (CMP) for region. One of the requirements of the CMP is that local jurisdictions implement a CMP Land Use Analysis Program requiring enhanced CEQA reviews for large projects. A large project is defined as:

a project that upon completion would be expected to generate either an equivalent of 2,400 or more average daily vehicles or 200 or more peak-hour trips

① Attached for your use are the most current CMP guidelines for implementing the Land Use Analysis Program, including the enhanced CEQA review. SANDAG would request that when preparing the EIR for the above-referenced project, that you address the CMP requirements in the EIR scope.

The CMP also encourages the appropriate mitigation of significant project impacts so as to minimize future congestion on the CMP roadway system. In addition to traditional roadway and signal improvements strategies, the CMP also provides a broad range of other mitigation measures such as transit, pedestrian, and travel demand management strategies. These new strategies can be found in a report titled "Congestion Mitigation Strategies Research". This report can be downloaded from the SANDAG website at:

http://www.sandag.org/uploads/projectid/projectid_13_2682.pdf

We encourage you to consider these strategies in the development and review of the project environmental document.

MEMBER AGENCIES

Cities of
Carlsbad
Chula Vista
Coronado
Del Mar
El Cajon
Encinitas
Escondido
Imperial Beach
La Mesa
Lemon Grove
National City
Oceanside
Poway
San Diego
San Marcos
Santee
Solana Beach
Vista
and
County of San Diego

ADVISORY MEMBERS

Imperial County
California Department
of Transportation
Metropolitan Transit System
North San Diego County
Transit Development Board
United States
Department of Defense
San Diego
Unified Port District
San Diego County
Water Authority
Baja California/Mexico

Ms. Maggie Loy
October 13, 2004
Page 2

Should you have any questions concerning our request or the CMP, please contact me at (619) 699-1954 or via e-mail at mor@sandag.org. We look forward to reviewing a copy of the draft EIR upon completion.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mario R. Oropeza', with a long horizontal flourish extending to the right.

MARIO R. OROPEZA
Project Manager

MO/DW/ais

Attachment: CMP Land Use Analysis Program Excerpt

cc: John Duve, SANDAG

CHAPTER 6: LAND USE ANALYSIS PROGRAM

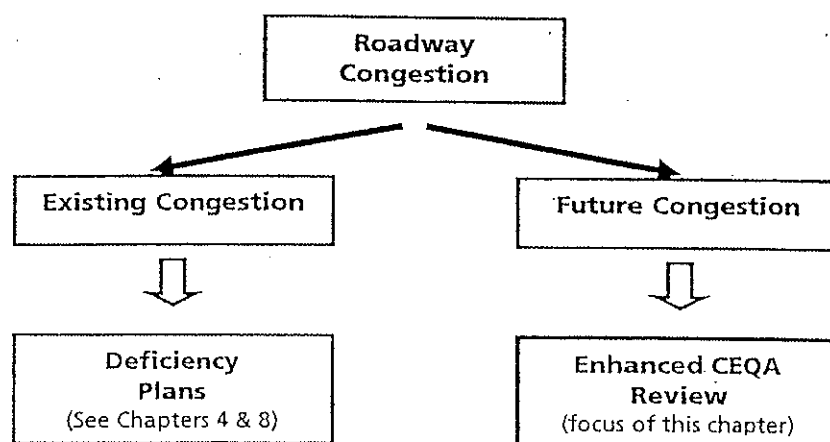
CHAPTER 6: LAND USE ANALYSIS PROGRAM

INTRODUCTION

The California Environmental Quality Act (CEQA) requires that all jurisdictions in the State of California evaluate the potential environmental impacts caused by new development or projects. If impacts are identified, then potential mitigation measures are evaluated and recommended. While cities and the County routinely examine and mitigate impacts to transportation services and facilities within their jurisdiction, this commitment often does not extend to the CMP system (as defined in Chapter 4). State statute highlights the responsibility of local jurisdictions to consider the impact of new development on the CMP system as part of their decision-making process.

The Land Use Analysis Program is an information sharing process that seeks to improve communication between public agencies, private entities and the general public, regarding the impact of new development on the CMP system. It provides a consistent methodology for examining CMP system impacts in an Environmental Impact Report (EIR). This will aid local jurisdictions in determining when mitigation is recommended, and what mitigation strategies are most appropriate.

As shown in the diagram below, the focus of this chapter is on strategies to identify and to address future congestion resulting from new development. Existing congestion is addressed through ongoing roadway monitoring and the preparation of Deficiency Plans as described in Chapters 4 (Transportation System Performance Evaluation) and 8 (Deficiency Plan).



LEGISLATIVE REQUIREMENTS

The requirements for the land use impact element of the CMP can be found in Section 65089(4) of the State of California Government Code (see Appendix F). Those requirements are paraphrased below.

- Develop a program to analyze the impacts of land use decisions made by local jurisdictions on the CMP system;
- Include an estimate of costs associated with mitigating those impacts;
- To the extent possible, use the Performance Element measures developed (see Chapter 4) to measure impacts to the CMP system;
- Exclude the costs of mitigating the impacts of interregional travel;
- Provide credit for local public and private contributions for improvements to the CMP system; and
- Incorporate the requirements and analysis under CEQA.

Related to the land use program requirements, the CMP statute also requires that SANDAG, in consultation with the cities and the County, develop a uniform database to assess traffic impacts of new development and to incorporate the results in a countywide transportation computer model. SANDAG also is to review and approve transportation computer models of specific areas within the region that will be used by local jurisdictions to determine the quantitative impacts of development on the circulation system. These models are to be based on a countywide model and be consistent with the modeling methodology and the databases used by SANDAG.

ISSUES

Under current CEQA practices, full project mitigation may not always be possible due to a number of reasons, including, but not limited to institutional considerations, infeasible nature of the proposed mitigation measures, or cost. Additionally, a project's contribution to cumulative traffic impacts on the CMP system may not be mitigated, which over time may result in unacceptable levels of service where no single project is responsible. Finally, local jurisdictions may make a finding of "overriding considerations" and approve a project without mitigating the project impacts. This unmitigated traffic becomes the responsibility of local jurisdictions or through SANDAG's Regional Transportation Plan. Given these considerations, a better means to maintain the link between new development project impacts and a project sponsor's mitigation responsibilities needs to be pursued.

As discussed in Chapter 5, Transportation Demand Management, SANDAG is working on a number of programs to define and promote "smart growth" as one means to better integrate land use and transportation decisions and to improve the quality of life in the region. Two of the smart growth strategies being investigated include locating higher development densities near transit stations and encouraging compatible mixed land uses. Whereas these strategies support the goals of smart growth, current CMP enhanced land use analysis requirements may discourage these types of development since smart growth developments often generate more peak hour trips within the focus areas than traditional development and thus may require increased project mitigation under the CMP. On the other hand, smart growth has the potential to reduce overall congestion on the larger, regional transportation system.

RECOMMENDED APPROACH

The SANDAG approach in meeting the CMP land use impact element requirements consists of four strategies: enhanced CEQA project review (land use analysis program), project mitigation resources, preparation and dissemination of project design guidelines, and regional modeling consistency. These strategies are further discussed below.

Enhanced CEQA Project Review

An enhanced CEQA review process has been established for use by local jurisdictions and/or project sponsors to conduct traffic impact studies and provide mitigation for new large project impacts on the CMP transportation system. Local agencies are required to adopt and continually implement this enhanced CEQA review process. The key features of this process include:

- A large project is defined as generating, upon its completion, an equivalent of 2,400 or more average daily vehicle trips or 200 or more peak-hour vehicle trips.
- The review is to include a traffic impact analysis (Traffic Impact Study - TIS) and mitigation for project impacts to the regional transportation system. Updated Traffic Impact Study guidelines have prepared and are incorporated into this update (refer to Appendix D).
- The traffic impact analysis must identify the project's impacts on the CMP transportation system, their associated costs, and appropriate mitigation.
- Early project coordination with affected public agencies and transportation operators is required.
- Local agencies are to coordinate with NCTD and/or MTDB to ensure that transit operators evaluate the impact of new development on CMP transit performance measures.

State regulation requires that all environmental documents prepared for projects in the San Diego region be submitted to the State Clearinghouse, and the State Clearinghouse in turn advises SANDAG of documents it has received. In many instances projects sponsors also send a copy of environmental documents directly to SANDAG. Under its regional intergovernmental review program, SANDAG reviews and comments on environmental documents submitted by various agencies. As part of that process, the documents are reviewed to ensure that the enhanced CEQA review process is followed for large projects, and the results of the required traffic analyses and identified mitigation measures are adequate. Comments, when appropriate, are submitted to the lead agency for the environmental review.

2002 CMP Update Changes

The following changes in the Enhanced CEQA Project Review process are incorporated into this update.

Updated Traffic Impact Studies Guidelines - As noted earlier, updated Traffic Impact Studies (TIS) guidelines have been incorporated into the CMP (Appendix D). These guidelines were prepared jointly by the San Diego Traffic Engineer Council (SANTEC) and the Institute of Transportation Engineers (ITS – California Border Section) in 2000.

Project Mitigation Resources

Resources currently available to mitigate the impacts of new development include specific project mitigation negotiated between the project sponsor and local jurisdictions, local agency funding, and regional funding made available through the Regional Transportation Improvement Program process. Additional new resources and strategies identified this CMP update are discussed below.

2002 CMP Update Changes

The following changes in project mitigation resources are incorporated into this update.

Promote TDM Project Mitigation Strategies: Develop and disseminate information on alternative transportation strategies for local agency and private developer use in mitigating the impacts of development activity. This information would be based upon the "Toolbox of Mitigation Strategies" and "Model TDM Program/Ordinance" referenced in Chapter 5, Transportation Demand Management. These strategies also could be used in preparing Deficiency Plans (see Chapter 8).

Ensure Appropriate Mitigation of Significant Project Impacts: It is the goal of the CMP to ensure appropriate mitigation of significant new large project impacts on the CMP system through use of congestion management strategies (CMP roadway or transit improvements and/or non-traditional approaches, such as Transportation Demand Management) contained within the CMP, including specific strategies identified in adopted Deficiency Plans. For the purpose of meeting CMP requirements, these guidelines do not apply to mitigation which would necessitate construction of freeway improvements, including interchanges until such time that Deficiency Plans have been prepared and adopted identifying specific improvements necessary to bring the freeway segments into conformance with the CMP LOS standard. Mitigation of project impacts may include demand management strategies and/or fair share contributions toward future improvements to be identified with the Deficiency Plan. The Deficiency Plans will identify potential funding sources to implement the recommended improvements including, but not limited to federal, state, local, and private funding sources. The preceding restriction regarding freeway improvements applies only to the CMP project review process and is not intended to limit a local jurisdiction's responsibility under CEQA for ongoing review and mitigation for projects that would impact freeways.

The following guidelines are provided to assist in meeting this goal.

New Large Project – A new development project generating, upon its completion, an equivalent of 2,400 or more new average daily vehicle trips, or 200 or more new peak-hour vehicle trips.

Significant Impacts – An increase in traffic on the CMP system generated by the project that exceeds the standards summarized below which are provided in the Traffic Impact Studies Guidelines (See Table D-1 in Appendix D for a further explanation on how to use these standards).

Level of Service with Project	Allowable Change due to Project Impact					
	Freeways ¹		Roadway Segments		Intersections	Ramp Metering ¹
	V/C	Speed (mph)	V/C	Speed (mph)	Delay (sec.)	Delay (min.)
D, E, & F (or ramp meter delays above 15 min.)	0.01	1	0.02	1	2	2
¹ These guidelines apply only to freeways with adopted Deficiency Plans.						

Project Mitigation – Actions necessary to reduce the project impacts on the CMP system below to or below the standards summarized above and provided in the Traffic Impact Studies Guidelines (Table D-1 in Appendix D).

Available Mitigation Measures - Measures available to mitigate project impacts include, but are not limited to, the measures listed below. The best mix of mitigation measures will vary based on the nature of the development project, nearby land uses and densities, and strategy availability.

- Traditional roadway and/or transit improvements
- Transportation Demand Management or Transportation System Management strategies
- Project Design Guidelines (discussed later in this chapter).
- Additional CMP Toolbox of Mitigation Strategies (to be prepared in 2003)
- Model TDM Program/Ordinance (to be prepared in 2003)

Local jurisdictions have sole responsibility for approving any specific mitigation measures, proposed funding, and/or implementation responsibilities resulting from the enhanced CEQA project review process.

Project Design Guidelines

In support of the CMP and other planning activities, project design guidelines to promote alternative travel modes including walking, bicycle, ridesharing, and public transit have been prepared. The available guidelines are listed below and are available for local agency use in mitigating the impacts of new development projects and in preparing CMP Deficiency Plans.

- "Designing for Transit" (Metropolitan Transit Development Board – July 1993)
- "Land Use Distribution Element of the Regional Growth Management Strategy" (San Diego Association of Governments – February 1995)
- "Tools for Reducing Vehicle Trips Through Land Use Design" (San Diego County Air Pollution Control District – January 1998)
- "Bikeway Planning and Design – California Highway Design Manual" (Caltrans – February 2001)
- "Regional Transit Vision" (San Diego Association of Governments, Metropolitan Transit Development Board, and North San Diego County Transit Development Board – November 2001)
- "Planning and Designing For Pedestrians" (San Diego Association of Governments – June 2002)

Regional Modeling

When evaluating the traffic impacts of any large project, it is SANDAG's goal that a common database and comparable traffic forecast models are used to ensure that all projects are evaluated on a uniform basis. This can be accomplished by local jurisdictions use the most current SANDAG regional or subarea traffic forecasting model, or any other local traffic analysis model that has been approved by SANDAG for use in CMP traffic analysis. Local jurisdictions also are required to use SANDAG's most recent Regional Growth Forecasts as the basic population and land use database.

In addition, local jurisdictions are to provide SANDAG, as part of each Regional Growth Forecast update, information regarding changes to general plan land use designations, major new development approvals, and smaller project information, for use in SANDAG's cumulative traffic forecast analysis. The information is to be provided in the manner, form, and schedule established as part of the Regional Growth Forecast update and review process for local agency information. This information is used to assess the cumulative impacts of all traffic impact analyses completed to date.

RECOMMENDED FOR FURTHER STUDY

In addition to the CMP changes previously noted, the following actions are recommended for further study and potential incorporation into the CMP at a later date:

Reexamine Traffic Impact Studies (TIS) Guidelines: Initiate a study to determine how to incorporate into the TIS guidelines: (1) CMP Performance Element measures; (2) trip generation and distribution rate adjustments for smart growth-supportive land uses; and (3) potential TDM mitigation strategies.

Evaluate Additional Land Use Analysis Program Modifications: Reexamine the CMP Land Use Analysis Program requirements in light of the efforts to develop a Regional Comprehensive Plan and changes in smart growth policies and strategies in the San Diego region. This evaluation would look at potential modifications to be consistent with smart growth including, but not limited to:

- Adjustments in trip generation rates;
- Adjustments in criteria for determining significant impacts;
- Alternative procedures for evaluating/mitigating smart growth projects under the CMP Enhanced CEQA Review

IMPLEMENTATION

Implementation of the preceding land use analyses program recommendations will be the joint responsibility of several agencies, including SANDAG, cities and County, Caltrans, MTDB, NCTD, and the San Diego Air Pollution Control District (APCD). Their respective responsibilities are summarized below in Table 6-1 below.

Table 6-1 Land Use Analysis Program Recommendations Responsibilities					
	SANDAG	Cities*/ County*	Caltrans	MTDB/ NCTD	APCD
Enhanced CEQA Review	D / M	R / A	R / M	R / M	R / M
Updated TIS Guidelines	D / M	D / R / A	R	R	R
Promote TDM Measures	D / M	R / A	R	R	R
Full Mitigation Goal	M	R / A	M	M	M
Regional Modeling	D / M	R / A	R	R	R
Project Design Guidelines	D / R	R / A	R	D / R / M	D / R / M
Future Program Modifications	D	R / A	R	R	R

*Including private developers

Key:

- D – Develop Initial Proposals
- R – Review and Comment
- A – Adopt or Implement
- M – Monitor



California Regional Water Quality Control Board

San Diego Region

Terry Tamminen
Secretary for
Environmental
Protection

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(858) 467-2952 • Fax (858) 571-6972
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Arnold Schwarzenegger
Governor

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Date October 12, 2004

RECEIVED
OCT 18 2004

San Diego County
DEPT. OF PLANNING & LAND USE

Ms. Maggie Loy
County of San Diego
Department of Land Use and Planning
5201 Ruffin Road, Suite B
San Diego, CA 92123

Dear Ms. Loy:

SUBJECT: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT,
MERRIAM MOUNTAINS SPECIFIC PLAN (GPA 04-06, SP 04-06, R04-013, TM 5381, S04-035,
S04-036, S04-037, S04-038, LOG No. 04-08-028)

We appreciate the opportunity to comment on the Notice of Preparation/Initial Study for the subject project, located in the Carlsbad Hydrologic Unit (Twin Oaks subarea) and San Luis Rey Hydrologic Unit (Moosa subarea). Because of the size and complexity of this project (2,320 acres and 2,391 residential units), we concur with your conclusion that the project may have potentially significant environmental impacts to water quality and biological resources as a result of implementation of the proposed project.

Addressing the protection of water resources and quality at this stage in the project offers the most cost effective strategy for reducing the physical impacts to on-site streams and wetlands and minimizing the potential impacts of pollutants in urban runoff from the site to downstream surface waters.

Avoidance of Impacts to Wetlands and Streams

Wetlands and streams enhance water quality through such natural functions as flood and erosion control, stream bank stabilization, and filtration and purification of contaminants. Wetlands and streams also provide critical habitats for hundreds of species of fish, birds, and other wildlife; offer open space; and provide many recreational opportunities. Adverse Water quality impacts can occur in wetlands and streams from construction of structures in waterways, dredging, filling, and, otherwise altering the naturally occurring drainage patterns on-site.

This proposed project must be evaluated for the presence of jurisdictional wetlands, and non-wetland waters of the U.S./State. Destruction and/or impact to wetlands and non-wetland waters

should be avoided whenever possible. We strongly urge the lead agency and project planners to pursue project alternatives that promote the avoidance for all or some of the proposed project impacts to wetlands and streams.

① Use of Low Impact Development Design Techniques

To avoid and minimize impacts to water resources and quality, we strongly urge the lead agency and the project planners to develop and adopt a recommended alternative that incorporates appropriate Low Impact Design (LID) techniques into the site design. Many LID techniques also serve to protect existing water resources on site, which can possibly eliminate the need for, or streamline the Clean Water Act Section 401 Water Quality Certification (Certification process required when a project involves impacts to waters of the U.S). Examples of LID techniques include, but are not limited to the following¹:

1. Minimize stormwater impacts to streams and wetlands to the maximum extent practicable by siting stormwater facilities outside of streams and wetlands, protect aquatic ecosystems, preserve riparian buffers, reduce imperviousness, maintain natural drainages, reduce use of pipes, and minimize clearing and grading.
2. Reduce the percentage of increased impervious area as additional imperviousness will alter runoff and recharge values and site hydrology. For LID sites, managing the imperviousness contributed by road and parking area pavement is an important component of the site planning and design process.
3. Incorporate Integrated Management Practices (IMPs) such as bioretention, dry wells, filter/buffer strips, grassed swales, rain barrels, cisterns, and infiltration trenches into the project design whenever possible.
4. Design the project to direct drainage from unavoidable impervious surfaces to permeable areas such as downspouts draining to the yard, not to the driveway.
5. Limit clearing and grading in areas containing permeable soils to maximize infiltration of water into soil surfaces.
6. Preserve buffer areas as much as practicable and connect them to existing vegetated areas to gain retention/detention credit for runoff volume and peak rated reduction. This technique maintains wildlife habitat corridors and may enhance community aesthetics. Utilize level spreading of flow into natural open space to ensure that the buffers are made

¹ The following is excerpted from Prince George's County, Maryland, 1999 *Low Impact Development Design Strategies: An Integrated Design Approach*. Descriptions of the above and other site planning techniques can be found in the LID references listed in the document.

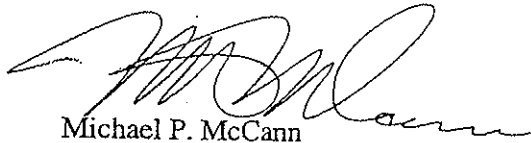
hydrologically functional.

7. Use "engineered swales" for conveyance in lieu of curbs and gutter, whenever possible. Engineered swales that utilize a sand substrate will maximize infiltration.

The San Diego Regional Water Quality Control Board appreciates the opportunity to provide the County with these comments and looks forward to working with the County and project proponent in this matter to ensure that water quality and beneficial uses of the Moosa, and Twin Oaks hydrologic sub-areas are protected.

If you have any questions or need further assistance, please contact Christopher Means of my staff at (858) 637-5581 or meanc@rb9.swrcb.ca.gov.

Respectfully,



Michael P. McCann
Supervising Water Resource Control Engineer
San Diego Regional Water Quality Control Board

MPM:rwm:cjm



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VALLECITOS WATER DISTRICT

A PUBLIC AGENCY

201 Vallecitos de Oro • San Marcos, California • 92069-1453 Telephone (760)744-0460

October 20, 2004

RECEIVED
OCT 25 2004

Ms. Maggie Loy, Planner
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

San Diego County
DEPT. OF PLANNING & LAND USE

RE: Notice of Preparation (NOP) of an Environmental Impact Report, GPA 04-06, SP 04-06, R04-13, TM 5381, S04-035, S04-035, S04-036, S04-037, S0-038, Log No. 04-08-028, Merriam Mountain Specific Plan.

Dear Ms. Loy:

Upon review of the above referenced NOP, the following is provided as the development relates to water and sewer service from the Vallecitos Water District. The comments are made with specific references to items in the document and are noted by page and paragraph.

Page 7, Section 8, Offsite Improvements: As shown on Figure 3, Utility extensions are required and of-site facilities may require expansion.

① The District nor the project developer have completed water or sewer studies identifying the improvements required to provide service to the project. Preliminary studies have been initiated by the Developer for the onsite water and sewer improvements, however these studies have not been completed or accepted by the District. One off-site sewer study has been completed by the District to a draft level reviewing off-site sewer impacts from the projects southern boundary to the primary collection and conveyance facility of the District located on San Marcos Boulevard. A preliminary scope and detail of an additional review of the District's Land Outfall Conveyance and Treatment Capacity will be forwarded to the Developer this week for their review. As such, there may be significantly more off-site sewer facility and impacts than those noted on Figure 3. It should also be noted that the District has not accepted the concept of the on-site sewer lift station noted on the plans and a detailed alternative analysis will be required to determine if there are alternate alignments that provide gravity service. The off-site water improvements appear to generally represent what is anticipated for the project, however as noted above the water studies have not been completed.

② *Page 11, I. Aesthetics:* Although not noted as a specific aesthetic impact, it is likely that the project will require the construction of two new above ground steel water tanks. One adjacent to an existing tank, and one closer to Deersprings Road. It is recommended that the Developer include specific visual simulations of the proposed tanks, including potential mitigation such as berming and other earthwork as well as landscaping to minimize the visual impacts.

Ms. Maggie Loy
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Page 2

Page 22, e) Have soils incapable of A service availability letter has been received from the Vallecitos Water District indicating that the District has adequate capacity for the projects wastewater disposal needs.

This section misrepresents the District's availability letter issued on July 21, 2004. No indication is made within the letter indicating that adequate capacity exists for the project, and there is a specific requirement of the project to do a complete sewer study to determine the projects impacts, including an evaluation of treatment capacity. This statement is also in conflict with *Page 42, XVI. Utilities and Service Systems* of this NOP which requires a complete study to determine the projects impacts and the conveyance and treatment facilities that may be required.

Page 38, XIII. Public Services a)

This section is correct in stating that the project will require annexation in the Sewer Improvement District of the Vallecitos Water District. As referenced in the comments above for *Page 7, Section 8, Offsite Improvements*, the various studies required for water and sewer service have not been completed.

Page 43, XVI. Utilities and Service Systems, b), require or result in the construction

This section is correct in stating that the project involves new and or expanded water and sewer conveyance, and treatment facilities. It should be noted that additional above ground water storage facilities will be required. As referenced in the comments above for *Page 7, Section 8, Offsite Improvements*, the various studies required for water and sewer service have not been completed.

Page 43, XVI. Utilities and Service Systems, d), Have sufficient water supplies....

(3) This section is correct in stating that a water assessment is required as a condition of providing service to the project in accordance with District and State Law. A draft proposal for this study will be provided by the District to the Developer this week for consideration and approval.

Page 43, XVI. Utilities and Service Systems, e), Result in a determination by the Wastewater Treatment Operator,

(4) This section is correct in stating that a study is required to determine the capacity available to provide service to the subject project. The proposed land use is not consistent with the 1997 *Water, Wastewater and Reclamation Master Plan* for the District, and is not considered in the 2002 *Update* which is near completion. In addition, a portion of the project is located in the Northern Service Area of the District from a Wastewater Collection, Conveyance and Treatment standpoint. While the majority of the project is within the current boundaries of the District, this Northern area was not intended to receive sewer service and collection conveyance and treatment capacity is not included

Ms. Maggie Loy
County of San Diego
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in the 1997 or 2002 Master Plans.

(5) As such, the sewer system design report required for this project shall include alternative treatment options, which include a review of the entire collection, conveyance and treatment system of the District, as well as including on-site wastewater treatment and disposal.

(6) Although not a direct issue associated with the NOP, District staff has been reviewing the proposed Vesting Tentative Map for the project and it was noted that there are significant water and sewer facilities located within easements. It should be noted that the District requires a minimum of twenty-foot wide exclusive easements dedicated to the District for all water and sewer facilities. The Tentative Map for the most part identifies fifteen-foot wide easements, which in many cases are combined with storm drain facilities. This is not acceptable to the District.

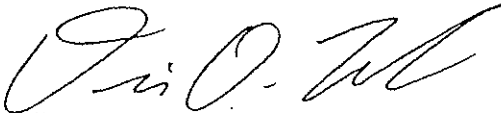
(7) In addition, a proposed water tank is noted on Page 17 of the Tentative Map with a base elevation of 1210 noted. The elevation required for this tank should be 1235, and as such this location will not accommodate the proposed storage tank

It should also be noted that the Developer of the project is required to obtain all off-site easements required for the water and sewer facilities, as well as the relocation of any and all existing water and sewer facilities impacted by the project.

If there are any questions regarding the above comments, please give me a call.

Sincerely,

VALLECITOS WATER DISTRICT



Dennis O. Lamb
Director of Engineering & Operations

enclosure (1)

cc: William W. Rucker, General Manager
File

I



Charles D. Grimm
Director of Community Development
Planning Division
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4671 Fax: 760-839-4313

October 28, 2004

Gary L. Pryor
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

RE: Notice of Preparation of Environmental Impact Report for the Merriam Mountains Specific Plan (GPA 04-06, SP 04-06, R04-013, TM 5381, S04-036, S04-037, S04-038, Log No. 04-08-028)

Dear Mr. Pryor:

We appreciate the opportunity to review the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the proposed Merriam Mountains Specific Plan Project and are submitting the following comments. Our comments focus primarily on the need to study land use, traffic and fire protection impacts, as described below.

The City of Escondido concurs with the requirement to prepare an EIR for the proposed project. As part of the five year update to the Sphere of Influence, the City was required by LAFCO to evaluate the potential removal of the Deer Springs area from the City's Sphere of Influence. In 2003, LAFCO voted to retain the Deer Springs area within the City's Sphere of Influence. Therefore approximately 59 acres of the project site in the northwest corner of Interstate 15 and Deer Springs Road remain within the City of Escondido's Sphere of Influence.

The applicant recently met with City representatives in a courtesy discussion to advise the City of the proposed project. In that meeting, the applicant indicated that the project includes land designated for industrial uses. However the proposed land use designations as described in the Specific Plan and NOP do not include industrial uses, and propose only residential, neighborhood commercial and specialty commercial uses. The EIR should specifically address the range of allowable uses proposed within the Specific Plan, clarify whether industrial uses are included, and address associated impacts.

① The Merriam Mountains Specific Plan project proposes a substantial density increase compared to the existing general plan of both the County of San Diego and the City of Escondido. Since the project is located within the City of Escondido's General Plan area and recently updated Sphere of Influence, the EIR should include an analysis of the project's compliance with the City's General Plan policies. The City of Escondido General Plan designates this portion of the project site as Estate I (up to two dwelling units per acre, based on slope) and Rural I (up to one dwelling unit per four acres, based on slope). The EIR land use section should analyze differences between the density, land use distribution and development pattern anticipated in City's General Plan Land Use Element with the proposed land use plan. The proposed project also appears to be inconsistent with the range of land use alternatives proposed as part of the County's General Plan 2020 update. The EIR should also include a land use analysis comparing the proposed project to the County's General Plan 2020 update. Additionally, the cumulative analysis should include discussion of the ongoing efforts by the Escondido Union High School District to locate alternative sites for construction of a new high school facility to serve prospective residents, including the Mesa Rock Road site alternative.

②

Gary Pryor
October 28, 2004
Page 2

With respect to traffic, the project would result in a significant increase in traffic volumes compared to current land use designations. We request that the EIR examine the impacts of redirecting traffic through Escondido streets as motorists attempt to bypass congestion on I15, and determine the appropriate mitigation. The EIR must also assess any anticipated off-site traffic improvements, including any improvements required as mitigation.

③ Additionally, the EIR traffic evaluation should include analysis in accordance with the City's Quality of Life Standards that determines any project adding 200 or more trips to a Circulation Element Street with a service level below mid-range of LOS "D" yet above LOS "F" as constituting a significant impact. Traffic analysis should also be performed in accordance with SANTEC guidelines for any street segments or intersections experiencing a project-generated increase in traffic volume of two percent (2%) or 50 peak hour trips; at a minimum, the analysis should include the following:

1. Analysis of roadway segments and intersections and intersections for the following corridors:
 - a. Deer Springs Road between Twin Oaks Valley Road and Centre City Parkway, including:
 - the intersections of Deer Springs Road and the I15 north and south bound ramps
 - the intersection of Deer Springs Road and Centre City Parkway
 - b. Mesa Rock Road between Deer Springs Road and Centre City Parkway, including the intersection of Mesa Rock Road and Deer Springs Road
 - c. Centre City Parkway between Mountain Meadow Road and El Norte Parkway, including:
 - the intersection of Centre City Parkway and Mountain Meadow Rd.
 - the intersection of Centre City Parkway and El Norte Parkway
2. The roadway segments and intersections should be evaluated in accordance with SANTEC guidelines based on the following conditions:
 - Existing condition
 - Existing + Project without mitigation (to determine project impacts)
 - Existing + Project + Project mitigation improvements (short term)
 - Existing + Project + Project mitigation improvements + Pending City and County projects with direct and indirect traffic impact on the study area (mid-term)
 - 2030 traffic with and without the project

The traffic analysis should incorporate mitigation for street segments or intersections resulting in a Level of Service below mid "D". If project-generated traffic is at mid "D" and contributes two percent or greater volumes, the project should pay the fair share contribution towards the necessary improvement; if the project causes the LOS to drop below mid "D" and contributes 2% or greater, the improvement must be constructed. Potential mitigation measures for traffic impacts should also include measures to promote transit rider ship. Appropriate measures may include expansion and improvement of park and ride facilities, bus turnaround areas, bus stop shelters and other improvements.

④ With respect to Fire service, the increased density proposed in the proposed specific plan represents a significant departure from the City's planned densities for the area. Given the City's mutual aid responsibilities, the Escondido Fire Chief has indicated a concern that the project may increase demand for City services. The EIR should evaluate the mutual aid agreements and fire protection needs for the

Gary Pryor
October 28, 2004
Page 3

proposed density increase to analyze the need for a new fire station, including what measures are required to insure that City fire services and improvements are not impacted by the proposed land use change.

The project proposes phasing over a ten year period and assumes the need for on-site rock crushing. The EIR should address the need for blasting operations and mitigation for impacts caused by noise and vibration for extended periods of time.

5 The City's Master Plan of Parks, Trails and Open Space anticipates the construction of a Rural Regional Connector Trail as part of the Mesa Rock Trail segment connecting the Mesa Rock Road trail to the project site and ultimately to the City of San Marcos trail system. The EIR should evaluate consistency with the City's proposed trail system.

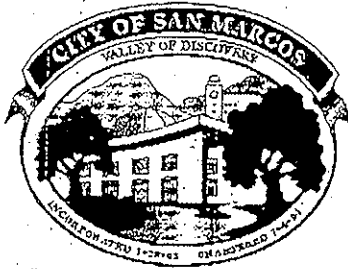
The City of Escondido staff is available to meet discuss the traffic analysis methodologies and other issues raised in this letter. We appreciate the opportunity to comment on the NOP and look forward to receiving a copy of the Draft EIR addressing the above-described concerns. Please feel free to call either myself at (760) 839-4541, or Barbara Redlitz, Principal Planner, at (760) 839-4546, if you have any questions.

Sincerely,



Charles D. Grimm
Director of Community Development

cc: Clay Phillips, City Manager
Patrick Thomas, Public Works Director
Ed Domingue, Principal City Engineer
Homi Namdari, Assistant City Engineer
Michael Calhoun, Assistant Fire Chief
Barbara Redlitz, Principal Planner



1 Civic Center Drive
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October 29, 2004

Maggie Loy, Land Use Environmental Planner II
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, Ca. 92123

RE: Merriam Mountain Specific Plan Notice of Preparation of an Environmental Impact Report

Dear Ms. Loy:

Thank you for the opportunity to comment on the above referenced Notice of Preparation (NOP). Unfortunately the figures referenced in the NOP were not included in the packet we received, however, our comments indicated below are based on our understanding of the project.

① The EIR should identify the project's relationship to the City of San Marcos' adopted sphere of influence (SOI), and indicate the percentage of the project within the SOI. Consistent with County policy I-122, that portion of the project within the San Marcos SOI should be encouraged to pursue annexation to the City of San Marcos.

It is the City's understanding that the following topics will be addressed in the EIR: aesthetics, biological resources, hazards, mineral resources, public services/utilities, agricultural resources, cultural resources, hydrology/water quality, noise, recreation, air quality, geology/soils, land use/planning, population/housing, and transportation/traffic. The NOP did not clearly indicate to what extent the above topics would be addressed in the EIR. The following topics are those areas the City has the most concern over and how these areas should be addressed:

Aesthetics

Development (including graded slope areas) should be restricted from visible ridgelines and from offsite viewsheds. These areas should be identified in the analysis.

② Photo simulations should include those areas within the Twin Oaks Valley Community of San Marcos.

County of San Diego
Merriam Mountain Specific Plan NOP
Page 2 of 4

Biological Resources

The Initial Study indicates that full biological surveys and reports have either been conducted or will be. These should be updated to include the latest spring surveys.

Wildlife corridors should be evaluated to ensure connection to offsite preserve areas and wildlife corridors.

Hazards

Given the intensity of homes and development surrounded by the high fuel content natural habitat of the Merriam Mountains, wildland fires and their impact needs to be evaluated in terms of appropriate fuel management standards and resultant evacuation routes.

Attachment "B" to the County's August 19, 2004 letter to the developer referenced the need for a "Fire Protection Plan". The City would agree with this plan and would suggest that it be made an appendix to the EIR. The Attachment also references a standard fire clearing zone of 100 feet per County standards. This standard should be increased, where feasible, to the City of San Marcos' adopted minimum 150 foot fire clearing zone standards. In fact, given the high fuel content in close proximity to development, there is justification for fire clearing zones far greater than this.

In terms of evacuation routes, it appears that there are only three access routes into and out of the proposed development (Merriam Mountains Parkway, Meadow Park Lane, and Twin Oaks Valley Road). All of these roads head south to Deer Springs and Twin Oaks Valley Road. The City questions whether these are sufficiently sized routes, given the potential for evacuation of as many as 9,300 (estimated) future residents. The proposed project should evaluate circulation access to the north as well.

Public Services/Utilities

The relationship of the proposed project to the boundaries of the San Marcos Fire Protection District (SMFPD) needs to be clearly identified. LAFCO estimates that approximately 9 acres of the site are within the SMFPD. Although LAFCO suggests consolidation into the Deer Springs Fire Protection District (DSFPD) the impact of this on SMFPD should be addressed.

Another significant concern is the ability of the DSFPD to adequately serve the scale of the proposed development with both fire equipment and personnel. There was no indication in the project description that a fire station is included as part of the project. Since the SMFPD has an automatic aid agreement with DSFPD there could be potentially significant impact on the SMFPD if there are not sufficient fire facilities, equipment and personnel to address fire responses, including paramedic and rescue services. The ability to fund and ensure full fire and EMS service needs to be addressed.

County of San Diego
Merriam Mountain Specific Plan NOP
Page 3 of 4

Given the size of the proposed project, a public facilities plan should be developed as part of the project as well as phasing, and both subjects should be addressed in the EIR.

Hydrology/Water Quality

The Merriam Mountains and upper Twin Oaks Valley is part of the watershed that drains into San Marcos Creek within the City of San Marcos. The EIR needs to illustrate drainage flows and quantify runoff offsite and downstream. This should include both pre-development and post-development flows. The analysis also needs to demonstrate that downstream drainage facilities can accommodate the flows will be detained and filtered on site. In addition, proposed Best Management Practices, including post-construction, for water quality control should be outlined in the EIR.

Noise

The City is concerned about the noise impact on established residential areas in the City in the upper Twin Oaks Valley Community resulting from project-generated traffic on Twin Oaks Valley Road. This should be evaluated in the project's noise study by comparing existing noise contours to new noise contours as a result of the proposed project. The impact of noise from increased traffic should also be addressed in terms of the affect it has on The Golden Door resort on the south side of Deer Springs Road.

Recreation

⑥ Identify how the project's trail system connects with the trail system established by the San Marcos Trail Master Plan in the City's SOI area.

Land Use/Population/Housing

Although the proposed project has an overall density of 1.03 dwelling units per acre, the intensity of the project, by virtue of the product type, will impact the rural character of the area. The resultant growth inducement is of concern to the City. Even the anticipated 2020 General Plan update does not envision the intensity of development as proposed.

Transportation/Traffic

The current County Circulation Element is based on rural and agricultural based densities. The traffic analysis needs to address the road classifications and road upgrades and intersection improvements required to handle an estimated 30,000 ADT, along with cumulative traffic impacts. The City will be looking at the distribution of increased traffic onto City roads and intersection in particular. The City feels that a majority of the

County of San Diego
Merriam Mountain Specific Plan NOP
Page 4 of 4

7 traffic distribution will be onto south Twin Oaks Valley Road through the City of San Marcos and not to I-15 due to the attraction of SR 78, Palomar College, Cal State University San Marcos and retail opportunities. With the pending construction of Twin Oaks Valley Road over the ridgeline in south San Marcos starting next year, Twin Oaks Valley Road will be a direct north-south regional arterial connecting the coastal communities with I-15. Mitigation measures should evaluate improving the Deer Springs/Buena Creek connection and the Deer Springs interchange at I-15.

The County's August 19, 2004 letter to the developer indicated various road conditions from Public Works, none of which included improvements to intersections or road segments within the Twin Oaks Valley Community of San Marcos adjacent to the County. County circulation improvements should be based on final traffic studies.

Thank you in advance for allowing the City of San Marcos to comment on the NOP. Please send the Draft EIR to the City when it is completed.

Sincerely,

Kramer *prindley* *for*

Jerry Backoff
Planning Division Director

STATE OF CALIFORNIA
Governor

Arnold Schwarzenegger

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

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October 13, 2004

San Diego County
DEPT. OF PLANNING & LAND USE

Ms. Maggie Loy
San Diego County DPLU
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: Merriam Mountains Specific Plan DEIR
SCH# 2004091166

Dear Ms. Loy:

Thank you for the opportunity to comment on the above-mentioned document. The Commission was able to perform a record search of its Sacred Lands File for the project area, which failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the Sacred Lands File does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Early consultation with tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed is a list of Native Americans individuals/organizations that may have knowledge of cultural resources in the project area. The Commission makes no recommendation of a single individual or group over another. Please contact all those listed; if they cannot supply you with specific information, they may be able to recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If you have not received a response within two weeks' time, we recommend that you follow-up with a telephone call to make sure that the information was received.

Lack of surface evidence of archeological resources does not preclude the existence of archeological resources. Lead agencies should include provisions for accidentally discovered archeological resources during construction per California Environmental Quality Act (CEQA), Public Resources Code §15064.5 (f), Health and Safety Code §7050.5; and Public Resources Code §5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery and should be included in all environmental documents. If you have any questions, please contact me at (916) 653-6251.

Sincerely,


Carol Gaubatz
Program Analyst

Cc: State Clearinghouse

Native American Contacts

San Diego County

October 13, 2004

Cupa Cultural Center (Pala Band)

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(760) 742-3784

Pauma & Yuima

Juanita Dixon, Environmental Coordinator

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Mr. Terri Hughes, Chairperson

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Rincon Band of Mission Indians

Culture Committee

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Pauma & Yuima

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John Currier, Tribal Chairperson

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Rob Shaffer, Tribal Administrator

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This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Merriam Mountains Specific Plan DEIR, SCH# 2004091166, San Diego County.

Native American Contacts

San Diego County

October 13, 2004

Rincon Band of Mission Indians

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Valley Center, CA 92082

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San Luis Rey Band of Mission Indians

Mark Mojado, Cultural Resources

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Pala, CA 92059

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(760) 586-4858 (cell)

Rincon Band of Mission Indians

Ruth Calac, President, Ricon Heritage Commission

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(760) 749-8901 Fax

San Luis Rey Band of Mission Indians

Henry Contreras, Most Likely Descendent

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(760) 728-6722 - Home

(760) 207-3618 - Cell

San Luis Rey Band of Mission Indians

Russell Romo, Chairman

12064 Old Pomerado Road Luiseno

Poway, CA 92064 Cupeno

(858) 748-1586

San Luis Rey Band of Mission Indians

Carmen Mojado, Co-Chair

1889 Sunset Dr. Luiseno

Vista, CA 92081 Cupeno

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**MIRANDA, TOMARAS & OGAS, LLP**

10755-F SCRIPPS POWAY PARKWAY #281 • SAN DIEGO, CALIFORNIA 92131
TELEPHONE (858) 554-0550 • FACSIMILE (858) 777-5765 • WWW.MTOWLAW.COM

October 29, 2004

Sent via Facsimile and E-Mail

Ms. Maggie Loy
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

RE: COMMENTS ON NOP FOR GPA 04-06; SP 04-06; TM 5381, S04-036, S04-037, S04-038, LOG NO. 04-08; MERRIAM MOUNTAINS SPECIFIC PLAN

Dear Ms. Loy:

We write this comment letter on behalf of the Pechanga Band of Luiseño Indians and the San Luis Rey Band of Mission Indians ("Tribes"). We submit this letter after the 4:00 p.m. deadline based on our telephone conversation wherein you agreed to accept our comments as long as you received them by Monday morning. We thank you for this extension, and request that these comments, as well as subsequent comments submitted by the Tribes, be included in the record for approval of the Project.

The Tribes have reviewed the NOP for this Project and have also reviewed a listing of sites description by Gallegos & Associated that was faxed to us on October 27, 2004. The Tribes look forward to submitting more detailed comments when they receive further information on the specific impacts to cultural resources. At this time the Tribes are submitting general comments regarding their interests and concerns with this Project.

In addition, the Tribes request, pursuant to Public Resources Code §21092(b)(3), to be notified and involved in the CEQA environmental review process for the duration of the Project.

TRIBAL INTEREST

As you know, the Tribes have a long history of involvement with projects within the County, including working as a partner in assessing cultural resources impacts and creating appropriate mitigation measures for such impacts. The Tribes are not opposed to this development Project. The Tribes primary concerns stem from the Project's likely impacts on Luiseño cultural resources.

Because portions of the San Diego County area is part of the Tribes aboriginal territory the Tribes have a cultural and legal interest in the protection of cultural resources that will be impacted by this Project. The Tribes are concerned about both the protection of unique and

Letter to County of San Diego

RE: COMMENTS ON NOP FOR GPA 04-06; SP 04-06; TM 5381, S04-036, S04-037, S04-038. LOG No. 04-08; MERRIAM MOUNTAINS SPECIFIC PLAN

Page 2

irreplaceable cultural resources, such as Luiseño village sites and archaeological items which would be displaced by ground-disturbing work on the Project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred sites likely to be discovered in the course of the work.

PROJECT AREA GENERALLY

As you know, there are numerous culturally sensitive sites in and around the proposed Project area. In particular there approximately 10 previously recorded prehistoric archaeological sites on the Project property and many additional sites (number unknown at this time) within a one mile radius of the project area. In fact the entire area is a known Luiseño village complex, and holds great importance to the Tribes as there are a number of culturally sensitive sites which comprise the village complex, including ceremonial sites, habitat sites, burial sites, and religious sites. Most importantly, it is the Tribes' understanding that some of these sites are part of a village area in which numerous Native American burials and human remains were uncovered during the build-out of the 15 Freeway. As such, the Tribes consider this area to be sacred.

Consequently, it follows that, because this Project area is rich with cultural items, sacred cultural items, and Native American remains, development of this Project area will have a direct impact on known significant and unique archeological/cultural/historical resources that are culturally affiliated with the Tribes (CEQA Guidelines § 15064.5). As such, the County must take appropriate measures to mitigate the impacts to cultural resources in accordance with CEQA, the County Resources Protection Ordinance (RPO), and the Tribes cultural and spiritual practices (Cal. Pub. Res. C. § 21083.2; CEQA Guidelines § 15126.4(b)(3)(A)).

REQUESTED PARTICIPATION, MITIGATION AND CONDITIONS

✓ The Tribes will be engaging in further assessment of the Project area, in consultation with tribal elders, to identify more specific information about this culturally sensitive area. To assist with this, **the Tribes are requesting that they be allowed to participate in all archeological resources assessments, surveys and testing.** The Tribes possesses necessary information about the archeological and cultural sensitivity that an archeological survey alone will not reveal, and **should also be consulted with at the earliest possible stage of the environmental review to assist in identifying and creating an appropriate mitigation plan for the cultural resources impacts (Cal. Pub. Res. C. § 21081).**

① Based on the history of known cultural resources in the area, the Tribes contends that a thorough cultural resources assessment should be completed through the EIR process for the Project, including Phase II (to determine boundaries and significance in some instances) and Phase III recovery in the areas that will not be avoided. If it has not already been done, the Tribes also request a site records search, of the area comprising a 1-mile radius around the Project area, including identifying sites that are located on the opposite side of the 15 Freeway. The Tribes believe that all of the sites in the vicinity are related to each other, and understanding the composition and integrity of the other sites in the vicinity will better

Letter to County of San Diego

RE: COMMENTS ON NOP FOR GPA 04-06; SP 04-06; TM 5381, S04-036, S04-037, S04-038, LOG No. 04-08; MERRIAM MOUNTAINS SPECIFIC PLAN

Page 3

enable all parties to identify the types of resources that exist on the Project property as well as estimating resource concentration locations. In addition, **the Tribes requests that the County and developer take steps for the protection of any uncovered resources in the process of any such assessment, and include the Tribes in such assessments.**

Given the significant potential for archaeological resources within the Project area, it is the position of the Tribes that **Tribal monitors (1 from each Tribe) should be required to be present during all ground-disturbing activities conducted in connection with the Project, including any archeological testing.**

Based upon review of the site descriptions provided by Gallegos & Associates, the Tribes assert in their expert opinion that there is a high probability that prehistoric/historic sites, including sacred, ceremonial, and burial sites will be impacted by development of the project. As such, the Tribes also request that **the County include a mitigation measure requiring a preservation plan or treatment agreement with the Tribes, which addresses inadvertent discoveries of cultural resources, sacred sites and Native American human remains (Cal. Pub. Res. C. 21083.2(i)). According to the Cal. Pub. Res. C. § 5097.98, if Native American human remains are discovered, the Native American Heritage commission must name a "Most Likely Descendant," who shall be consulted as to the appropriate disposition of the remains. Given the Project's location in Luiseño aboriginal territory, the Tribes intends to assert its right pursuant to California law with regard to any Native American human remains discovered in the course of this Project. In addition, the Tribes request that the Developer be conditioned to relinquish ownership rights of all cultural resources located on the Project property in favor of the Tribes.**

In addition, the Tribes are independently aware that the northern most portion of this Project contains sites which the Tribes regard as highly culturally sensitive. The Tables provided by Gallegos & Associates depicting the types of resources located at two of the sites are extremely compelling to that end as well (Table 1: Artifact Types at Site CA-SDI-9822; Table 2: CA-SDI-4558: Total Prehistoric Cultural Material Recovered (1977)). More importantly, these sites are part of the area in which numerous burials and Native American human remains were previously uncovered during the build-out of the 15 Freeway, and therefore the Tribes consider this area to be sacred. As these sites have been determined to be unique and significant pursuant to CEQA and the County RPO, and avoidance is the preferred method of mitigation for significant sites (CEQA Guidelines § 15126.4(b)(3)(A)), **the Tribes request that this entire area comprising sites CA-SDI 9822 and CA-SDI 4558 be avoided and preserved in open space, with the option for the Tribes to manage these lands, either through ownership or the dedication of an Open Space Easement to the Tribes.**

Lastly, as the CEQA encourages plans for inadvertent discoveries (Cal. Pub. Res. C. 21083.2(i)), the Tribes also **request a controlled grading program for the culturally sensitive areas of the Project that will be developed, as it is the opinion of the Tribes that there may be additional subsurface sites that are unknown at this time, as well as the possibility of Native American human remains.**

Letter to County of San Diego


RE: COMMENTS ON NOP FOR GPA 04-06; SP 04-06; TM 5381, S04-036, S04-037, S04-038, LOG No. 04-08; MERRIAM MOUNTAINS SPECIFIC PLAN

Page 4

The Tribes thank you for the opportunity to submit these comments, and look forward to working together with the County of San Diego, the developer, and other interested entities in protecting the invaluable Luiseño cultural resources found in the San Diego County area.

If you have any questions, please do not hesitate to contact us.

Sincerely,



Laura Miranda

Cc: Glenn Russell, County DPLU
Gallegos & Associates

Merriam
SP 04-06 M

RECEIVED
OCT 15 2004

San Diego County
DEPT. OF PLANNING & LAND USE

TO Whom it May Concern,

Pauma Band of Luiseno Indians,

Pauma Natural Resources.

We are responding to your inquiry about your projected project site. The said site ~~is~~ ^{is not} located in an area that affects Native Luiseno religious sites, or in the proximity of said site. Our Natural Resource Office ~~is~~ ^{is not} interested in the pursuance of field research of project-site.

We appreciate the inquiry and look forward to future correspondence.

Pauma Band of Luiseno Indians

Pauma Natural Resources Office



San Diego County Archaeological Society, Inc.
Environmental Review Committee

16 October 2004

RECEIVED
OCT 19 2004

San Diego County
DEPT. OF PLANNING & LAND USE

To: Ms. Maggie Loy
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

Subject: Notice of Preparation of a Draft Environmental Impact Report
Merriam Mountains Specific Plan
GPA 04-06, SP 04-06, R04-013, TM 5381, S04-035, S04-036, S04-037
S04-038, Log No. 04-08-028

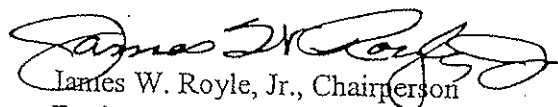
Dear Ms. Loy:

Thank you for the Notice of Preparation for the subject project, which was received by this Society earlier this month.

We are pleased that cultural resources have been included in the list of subject areas to be addressed in the DEIR. In order to permit us to review the cultural resources aspects of the project, please include us in the distribution of the DEIR when it becomes available for public review. Also, in order to facilitate our review, we would appreciate being provided with one copy of the cultural resources technical report(s) along with the DEIR.

SDCAS appreciates being included in the environmental review process for this project.

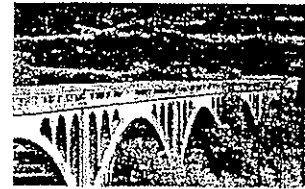
Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

BONSALL COMMUNITY SPONSOR GROUP

Dedicated to enhancing and preserving a rural lifestyle



County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Attention: Maggie Loy, Planner

Reference: GPA 04-06, SP 04-06, R 04-013, TM 5381, S 04-035, S 04-036, S 04-037,
S 04-038, ER 04-08-028, Merriam Mountains Specific Plan

Dear Ms. Loy,

Thank you for the opportunity to review and make comments regarding the
Merriam Mountains Specific Plan.

The Bonsall Community Sponsor Group comments are in sequential order with the Notice of
Preparation of an Environmental Impact Report for Merriam Mountains Specific Plan dated September
30, 2004 .

The Design Overview:

The Design Overview does remind us of a size 10 foot trying to fit into size two shoe. The
project does not support semi-rural uses in any of the impacted areas mentioned in the EIR document.

① Project Phasing: The amount of earthwork and blasting to be onsite for over a period of 8 to 10
years is beyond the pale. For anyone to expect adjacent property owners impacted by this activity
to have a rural life during or after this project construction starts is not realistic. The end result from
this project does not support the current life style nor will the end result ever allow the area be
anything other than urban.

② Surrounding land uses and settings supports my comments in that the region with its unique
features that include the San Marcos Mountains and the Merriam Mountains will be significantly
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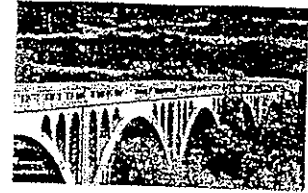


<http://communities.signonsandiego.com/groups/bonsallcommunitysponsorgroup>



BONSALL COMMUNITY SPONSOR GROUP

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I. Aesthetics:

The proposed massive grading and manufactured slopes do have a significant impact on the exiting visual character of the Merriam Mountains viewed from every location.

II. Agriculture Resources

This land is classified as "Agricultural Preserve" how has this project been allowed to go forward with this land designation at risk?

III. Air Quality

With the project stretching over 8 to 10 years the effect of pollution on residents and commercial properties within the impacted site are of a major impact and studies should forecast the air pollutants and how the project will meet the Regional Air Quality requirements.

IV. Biological Resources

With all of the habitat species on this site and hard lined by the MSCP, it is beyond our Sponsor Group to understand why this project was accepted for review. With the habitats need to have ridgeline linkages maintained and water sources available how will this project provide the wildlife movement away from man. We must keep what few mountains we have left in San Diego County before all ridgelines disappear.

V. Cultural Resources

No comment.

VI. Geology and Soils

The proposed amount of grading and earthmoving is more than significant as the size and scope are going to need the most modern design techniques in order to follow the topography not what is proposed by the applicant.

VII. Hazards and Hazardous Materials

The use of high explosives should be a major red flag in an area that supports the wildlife that lives in the proposed project site. How does the applicant address the use of high explosives and the impact on existing residents when the wildlife moves to find safety on their land. The wildlife issue is of major concern for all residents in this area and should be of concern for all wildlife agencies.



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VIII. Hydrology and Water Quality

This is of major concern to all of us that live in an area that depends on outside sources for our water as well as those that rely on ground water. This project once developed would drain all pesticides, and other chemicals into the underground aquifers how will this be monitored? Once contaminated how will those existing residents using ground water be made whole?

IX. Land Use and Planning

The urban encroachment in a rural area is always significant and will impose land use issues on the future of agricultural and community character. This project is of a proposed density that most urban communities would have problems with not only from a planning perspective but from a conflict between development levels and open space. The General Plan and planning 101 does not promote the extension of public services and the over burdening of the infrastructure to promote urban development in rural areas.

X. Mineral Resources

No comments.

XI. Noise

The noise involved in this project is that of a mining operation in conjunction with a quarry. With commercial and tourism properties located adjacent to the proposed development the noise for a duration of 8 to 10 years would cause business to close. The Golden Door Spa across Deer Springs Road is rated as the number 1 spa in the United States and the rural and quiet atmosphere advertised as part of the reason that people stay at the facility. How will the developer mitigate this with the owner of The Golden Door.

Noise from this project will travel in the canyons at an unbelievable rate impacting people miles away from the project site. How will this be mitigated? Will notification be in the form of written notice to all neighbors within 1 mile, road signs flag men, plus any other measures that support safety of humans. I am not aware of how you inform animals and keep them calm. The blasting is only one dramatic part of this project but the constant noise of grading and trucking will be of a problematic nature that no mitigation can address.



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XII. Population and Housing

The impact of this project will result in the demise of another area of San Diego County that is rural now but will become urban. The concern of most residents is that we are losing the character each community strived to create and have now become another large urban area as just another part of urban San Diego north.

XIII. Public Services

This project does not support low income and/or senior housing as this area does not have public transportation, health care facilities nor adequate roads. We are currently experiencing a "LOS F" now how will this be mitigated or will we experience "LOS-I". Again, educated planning does not support building where infrastructure does not exist.

XIV. Recreation

No comments.

XV. Transportation/Traffic

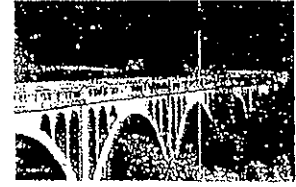
We recommend that this project be required to create a Cumulative Traffic Impact Study of North County including all other projects proposed in both Final and Temporary status. A recent project in Bonsall was required to do this study when the traffic was noted at 7,300 trips a day from the site this project will definitely surpass that number therefore this project needs to comply with County standards and complete the study.

The proposed access from this project going north on Twin Oaks to Gopher Canyon will impact two projects that are now in the process for construction both were finalized in the 1980's. One is called the Patty Morris Project located at Little Gopher Canyon and Gopher Canyon with a total of 90 units and the other project is named The Polo Club with 169 units this is located across the street from Vista Valley Country Club. Gopher Canyon is operating at a LOS F and getting worse plus the new development transportation movement will be a thing of the past. Bonsall has between 12 and 14 public roads all others are private with private road maintenance agreements not supported. Twin Oaks is considered by the County at this time to be a private road however, I understand that the Water Authority is trying to create a public road designation as they are realigning it for the new water lines that they are now laying. Will the future widening of Twin Oaks require a different alignment not to impact the Water Authority lines?



BONSALL COMMUNITY SPONSOR GROUP

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XVI. Utilities and Service Systems

Water service is a major problem in our Community and we are not in support of approving any project that will create an additional burden of the limited resource. One of the major problems of every water district is limited capacity due to a shortage of supply by SDCWA that being said the shortage of wastewater treatment facilities to dispose of treated wastewater is also reaching capacity and projects are being required to provide their own facility on site. This creates yet another problem that was not mentioned in the **EIR that of odor.**

XVII. Mandatory findings of Significance

The Bonsall Community Sponsor Group supports staff and their comments regarding this proposed General Plan Amendment. Thank you for including our comments in the Environmental Impact Report.

Sincerely,

Margarette Morgan, Chair

CC: Mr. Gary Pryor, Ivan Holler, Bill Stocks, Robert Frey (Hidden Meadows CSG and Gil Jemmott, (Twin Oaks CSG)



BONSALL COMMUNITY SPONSOR GROUP

Dedicated to enhancing and preserving a rural lifestyle



County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Attention: Maggie Loy, Planner

Reference: GPA 04-06, SP 04-06, R 04-013, TM 5381, S 04-035, S 04-036, S 04-037,
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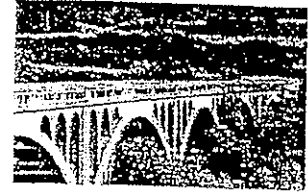
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Dedicated to enhancing and preserving a rural lifestyle



I. Aesthetics:

The proposed massive grading and manufactured slopes do have a significant impact on the exiting visual character of the Merriam Mountains viewed from every location.

II. Agriculture Resources

This land is classified as "Agricultural Preserve" how has this project been allowed to go forward with this land designation at risk?.

III. Air Quality

With the project stretching over 8 to 10 years the effect of pollution on residents and commercial properties within the impacted site are of a major impact and studies should forecast the air pollutants and how the project will meet the Regional Air Quality requirements.

IV. Biological Resources

With all of the habitat species on this site and hard lined by the MSCP, it is beyond our Sponsor Group to understand why this project was accepted for review. With the habitats need to have ridgeline linkages maintained and water sources available how will this project provide the wildlife movement away from man. We must keep what few mountains we have left in San Diego County before all ridgelines disappear.

V. Cultural Resources

No comment.

VI. Geology and Soils

The proposed amount of grading and earthmoving is more than significant as the size and scope are going to need the most modern design techniques in order to follow the topography not what is proposed by the applicant.

VII. Hazards and Hazardous Materials

The use of high explosives should be a major red flag in an area that supports the wildlife that lives in the proposed project site. How does the applicant address the use of high explosives and the impact on existing residents when the wildlife moves to find safety on their land. The wildlife issue is of major concern for all residents in this area and should be of concern for all wildlife agencies.



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VIII. Hydrology and Water Quality

This is of major concern to all of us that live in an area that depends on outside sources for our water as well as those that rely on ground water. This project once developed would drain all pesticides, and other chemicals into the underground aquifers how will this be monitored? Once contaminated how will those existing residents using ground water be made whole?

IX. Land Use and Planning

The urban encroachment in a rural area is always significant and will impose land use issues on the future of agricultural and community character. This project is of a proposed density that most urban communities would have problems with not only from a planning perspective but from a conflict between development levels and open space. The General Plan and planning 101 does not promote the extension of public services and the over burdening of the infrastructure to promote urban development in rural areas.

X. Mineral Resources

No comments.

XI. Noise

The noise involved in this project is that of a mining operation in conjunction with a quarry. With commercial and tourism properties located adjacent to the proposed development the noise for a duration of 8 to 10 years would cause business to close. The Golden Door Spa across Deer Springs Road is rated as the number 1 spa in the United States and the rural and quiet atmosphere advertised as part of the reason that people stay at the facility. How will the developer mitigate this with the owner of The Golden Door.

Noise from this project will travel in the canyons at an unbelievable rate impacting people miles away from the project site. How will this be mitigated? Will notification be in the form of written notice to all neighbors within 1 mile, road signs flag men, plus any other measures that support safety of humans. I am not aware of how you inform animals and keep them calm. The blasting is only one dramatic part of this project but the constant noise of grading and trucking will be of a problematic nature that no mitigation can address.



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XII. Population and Housing

The impact of this project will result in the demise of another area of San Diego County that is rural now but will become urban. The concern of most residents is that we are losing the character each community strived to create and have now become another large urban area as just another part of urban San Diego north.

XIII. Public Services

This project does not support low income and/or senior housing as this area does not have public transportation, health care facilities nor adequate roads. We are currently experiencing a "LOS F" now how will this be mitigated or will we experience "LOS-1". Again, educated planning does not support building where infrastructure does not exist.

XIV. Recreation

No comments.

XV. Transportation/Traffic

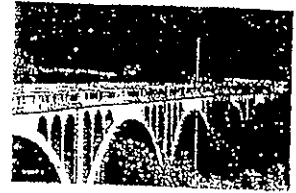
We recommend that this project be required to create a Cumulative Traffic Impact Study of North County including all other projects proposed in both Final and Temporary status. A recent project in Bonsall was required to do this study when the traffic was noted at 7,300 trips a day from the site this project will definitely surpass that number therefore this project needs to comply with County standards and complete the study.

The proposed access from this project going north on Twin Oaks to Gopher Canyon will impact two projects that are now in the process for construction both were finalized in the 1980's. One is called the Patty Morris Project located at Little Gopher Canyon and Gopher Canyon with a total of 90 units and the other project is named The Polo Club with 169 units this is located across the street from Vista Valley Country Club. Gopher Canyon is operating at a LOS F and getting worse plus the new development transportation movement will be a thing of the past. Bonsall has between 12 and 14 public roads all others are private with private road maintenance agreements not supported. Twin Oaks is considered by the County at this time to be a private road however, I understand that the Water Authority is trying to create a public road designation as they are realigning it for the new water lines that they are now laying. Will the future widening of Twin Oaks require a different alignment not to impact the Water Authority lines?



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XVI. Utilities and Service Systems

Water service is a major problem in our Community and we are not in support of approving any project that will create an additional burden of the limited resource. One of the major problems of every water district is limited capacity due to a shortage of supply by SDCWA that being said the shortage of wastewater treatment facilities to dispose of treated wastewater is also reaching capacity and projects are being required to provide their own facility on site. This creates yet another problem that was not mentioned in the **EIR that of odor.**

XVII. Mandatory findings of Significance

The Bonsall Community Sponsor Group supports staff and their comments regarding this proposed General Plan Amendment. Thank you for including our comments in the Environmental Impact Report.

Sincerely,

Margarette Morgan, Chair

CC: Mr. Gary Pryor, Ivan Holler, Bill Stocks, Robert Frey (Hidden Meadows CSG and Gil Jemmott, (Twin Oaks CSG)





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TWIN OAKS VALLEY COMMUNITY SPONSOR GROUP

P.O. Box 455

San Marcos, Ca. 92079

October 31, 2004

Ms, Maggie Loy, Planner DPLU
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Reference: GPA 04-06, SP 04-06, R04-013, TM 5381, S04-035, S04-036, S04-037,
S04-038, ER 04-08-028, Merriam Mountains Specific Plan

Dear Ms. Loy,

We thank you for the opportunity to review Stonegate's Merriam Notice of Preparation and Environmental Analysis. This project is quite substantial in scale and has generated very significant interest in the Twin Oaks area and beyond. The Twin Oaks Valley Community Sponsor Group (TOVCSG) has reviewed the project several times, most recently at our September 15, 2004 meeting. This set of comments is based on the most recent review, the previous reviews, and on information provided by Sponsor Group members who provided input on particular sections.

① Growth in San Diego County has had a marked impact on our natural resources. Most of our open space in the coastal areas is gone with a declining amount left undeveloped other than the very steep slopes of our coastal mountain ranges. These large rugged areas, due to poor access, generally steep terrain, and undisturbed wildlife, are zoned low density and are protected under the County's Resource Protection Ordinance. With low yield and difficult geological challenges, these lands are relatively inexpensive to purchase due to the difficulty of making development profitable. The need for housing and potential for profit have worked together to create development proposals in even the most remote areas, well beyond the reach of existing services. The term often used to describe development in areas which are currently isolated is "sprawl". Sprawl type development stresses public resources and places development in undefendable wildfire areas at a great cost to the public. The subject of the proposal before us is a very clear example of this type of development.

The comments below follow the numbering in the Environmental Analysis.

I. AESTHETICS

Comments to a)

✓ Twin Oaks Valley Road and I-15 adjacent to this project are designated Scenic Highways by the San Diego County General Plan. The area surrounding the proposed project includes many multi-million dollar developments such as the Golden Door, Lawrence Welk, and C'est-la-Vie resorts, the prestigious Rimrock, Hidden Meadows, Vista Valley Country Club and Circle R/Castle Creek communities as well as the Twin Oaks Valley and Deer Springs area. The proposed project involves significant grading and manufactured slopes. The visual analysis must include the impacts to all of these areas. Tourism is an economic engine for San Diego County, and the above-mentioned areas are strong contributors to the tourism industry.

Comments to b)

✓ The county initiated studies in the mid 1980s to determine how to preserve and protect the scenic qualities of the I-15 corridor. GPA 87-072 which was approved in April of 1988, designated thousands of acres along I-15 between the northern Escondido City limits and the San Diego/Riverside County Line with the B Designator which requires design review for most building projects. The I-15 Corridor Design Review Board has been reviewing plans for over 16 years now. Clearly the importance of the visual resources in this area has been recognized for a long time. (If this area has not been designated by the state as a scenic highway, this is not because the resources are insignificant.)

Twin Oaks Valley Road and I-15 adjacent to this project are designated Scenic Highways by the San Diego County General Plan. The proposed development involves massive grading and large manufactured slopes. The Merriam Mountains are beautiful rugged mountains with steep slopes and many rock outcroppings. These land forms and features are in need of protection to insure that the visual quality of the area is protected. The report's conclusion in this section, that there are no impacts, is incorrect.

Comments to c)

The significant amount of grading and manufactured slopes will degrade the existing visual character of the Merriam Mountains as viewed from many locations in Twin Oaks Valley, Bonsall, I-15, Hidden Meadows, Vista, and other surrounding

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communities. The visual character of the Merriam Mountains with steep slopes, rounded or pointed tops, and significant large rock outcroppings is a scenic resource that must be protected. It is important that the required visual analysis accurately determine all of the areas who's views would be adversely affected regardless of whether they are currently inhabited or not.

Comments to d)

The amount of lighting which would result from a project that would conform to the existing zoning should be the upper limit on the amount of lighting which would be allowed from the proposed project. This limitation should include both the light directly visible from the project, the light which reflects off of the hills, and also the light which would create the glow in the sky characteristic of urban development. The existing nighttime skies of the area are currently very dark and the communities should be subjected to no more encroachment of light than what could be generated by projects conforming to the current zoning. The proposed project site in the Merriam Mountains currently generates no artificial light, as there is virtually no development there. The proposed number of clustered houses would create a desire for a higher level of lighting which is directly antithetical to the rural character of the surrounding community.

II. AGRICULTURE RESOURCES

General comments:

The Initial Study treats agricultural resources in such a broad, general, almost superficial manner that specific issues cannot be addressed in this response except in equally broad terms.

- All of the issues treated in GPA 96-03 should be addressed and used as a guide.
- The California Resources Agency's Farmland Mapping and Monitoring Program does not map most of the farms in San Diego County because they are less than 10 acres, the smallest area mapped by the Program. Therefore, this Program misses much of the agricultural activity in San Diego County and most of it in Twin Oaks Valley.
- ② • Farms of less than 10 acres within jurisdictional areas adjacent to, or potentially impacted by the project should be mapped.
- Show land classified as "Agricultural Preserve" for the same area as immediately above.

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- Tabulate and map all of the areas with agricultural designations that will have their designations changed to other than agricultural. Estimate the cumulative potential economic loss of agricultural production using reports and information from the Agricultural Commissioner, K. Thuner.
- Discuss the infrastructure that has been installed to support agriculture and map and tabulate the area supported by that infrastructure. Show ownership of pipelines and access roads. List maintenance agreements and service agreements, if any. Discuss future uses of the infrastructure in the project area.
- The high-density development in this project is planned to be quite near the project boundaries in 7 locations according to the project maps. Placing high-density development adjacent to existing or future rural/agricultural land uses is a prime example of bad land use planning. The resulting conflicts are inevitable. Building high density development near agricultural activities would ultimately restrict the farmer's rights to conduct field work, to do ground and aerial spraying, to apply the full range of fertilizers available, to grow the full range of crops possible, etc. One child living in the new development with asthma, other breathing difficulties, or serious allergies could cause several farms to go out of business. Setbacks should be provided on the project site to assure that existing or future agricultural activities are not hindered or restricted more than if the project were developed following the current general plan.

III. AIR QUALITY

General comments:

There are several phases of the project, which are projected to stretch over a number of years. This indicates that some phases will be occupied while others are under construction. Therefore the effect of pollution on residents and commercial ventures within the project site must be studied along with the effects on off site receptors. Construction of all phases requires the use of diesel-powered machinery that would generate gaseous and particulate matter over a long period of time. Traffic congestion resulting from construction activities could likely be a source for increased local air pollutants, such as carbon monoxide, hydrocarbons, and oxides of nitrogen. Construction grading, excavation and rock crushing would result in fugitive dust particle emissions. Analyze potential short and long-term impacts and propose mitigation measures. Discuss the project's impacts on the ability to meet Regional Air Quality strategies and its ability to implement their tactics.

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Comments to (a)

The project reflects a massive increase in the expected grading, the amount of construction, the number of residences, and the level of traffic relative to what would be allowed by the County's existing General Plan, the current working copy map for GP2020, or the preplanning done for the portion of the project within the San Marcos and Escondido Spheres of Influence. This is especially true if the Resource Protection Ordinance was correctly applied. The EIR needs to consider the cumulative impacts of the this project on air quality by comparing it to:

1. A no project alternative.
2. A project which would comply with the existing General Plan—including all land use restrictions used to determine the final yield.
3. A project which would comply with the current GP 2020 working copy map—including all land use restrictions used to calculate yield.
4. A combination of projects which would comply with the preplanning for the San Marcos and Escondido Spheres of influence and would comply with the current County General Plan for the remainder. These numbers should be adjusted considering all land use restrictions used to calculate yield.

Comments to b)

The EIR needs to define the impacts associated with the project. Furthermore the EIR needs to look at the number of units built in the San Diego County area in the past ten years and compare it to the increased levels of smog over this same time period. Although smog levels are impacted by traffic traveling from Riverside County it cannot be assumed this project will decrease that pattern since the cost of most the housing in the project will be far more than cost of similar housing in Riverside County. In addition, commuters living within the project will likely travel south on I-15 and endure the greatest level of grid-lock type traffic in San Diego County, adding to air pollution levels.

Comments to c)

The EIR needs to make clear to the public how the region became designated a "non-attainment" area for criteria pollutants, what measures have been implemented to improve air quality and the success of these measures to correct the current air quality problems. The EIR needs to identify how the proposed project will impact air quality and what measures can be built into the project to improve air quality in San Diego

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both during the construction phase and after build out. All proposed mitigation measures should include data that prove they work.

Comments to d)

(5) The EIR should compare the potential amount of airborne particulates generated from construction activity to other projects of similar scope in San Diego. The EIR needs to identify any past complaints by residents, of health problems associated with large amounts of airborne particulates resulting from construction or quarrying activities. Quarrying is included because the amount of rock and soil planned to be moved would qualify it as a major regional quarry if the material were leaving the project site. Residents adjacent to the San Elijo project in San Marcos reported increased breathing problems during construction phases of the project. The EIR needs to identify any residents in the area that may be adversely affected by airborne particulates created during the construction phase. Lack of enforcement regarding air pollution created by recent Quarry activities, indicates that it is unlikely that adherence to BMP will be enforced. To ensure the safety of the public, individuals identified with respiratory problems, living near the site, should be monitored and an independent medical consultant and a public report should be produced quarterly to document any harmful effects of the project during construction.

The proposed project along with others of this nature in San Diego County will have significant negative impacts on air quality in the San Diego region. San Diego air quality has become worse over the past ten years. Residents have noted significant amounts of smog in the valleys that make up San Marcos, Escondido and Twin Oaks. The EIR needs to show how this project will cumulatively add to air quality problems in the future and how it will specifically impact the Twin Oaks, Bonsall, and San Marcos areas.

IV. BIOLOGICAL RESOURCES

General comments:

(6) Smart growth preserves habitat and creates a wise use of public resources by placing development in areas where utility and roadway services already exist. Smart growth is not characterized by placing development in large areas of native vegetation or by projects that require the extension of services for the sole purpose of supporting that development. The EIR needs to state a recognized definition of smart growth, its principals, and show how this project supports that definition and principles.

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Comments to a)

Parry's tetracactus, summer holly (*Comarostaphyllum*), and Rainbow manzanita, are all regionally rare species, likely occur, and should be surveyed for on the project site. The white-tailed kite, a State fully protected species, also occurs in the area and nest site/foraging habitat surveys should be conducted. The regional population of mule deer is progressively being displaced by coastal patterns of development, and soon will be restricted to areas east of I-15 if core habitats and linkages are not maintained in their current range in western portions of the County.

Comments to b)

The project is a substantial increase in density from the existing General Plan. The EIR should study how the proposed development will impact wetlands and native wildlife populations currently on site as well as animals such as bobcats and raptors who use the site for foraging opportunities.

Comments to c)

Indirect effects on wetland communities, such as altered hydrology, should also be assessed. For example, diversion of water could desiccate downstream habitats, whereas increased urban runoff from impervious surfaces could scour and erode lower elevation washes. Introduction of pollution (nitrates, pesticides, herbicides, oils and greases, etc.) associated with a development of this size stands to alter the chemistry of the five watersheds. The EIR needs to identify the location and size of these watersheds and analyze the impact of this development on water quality within these watersheds.

Comments to d)

Native amphibians, such as Couch's spade-foot toad, western toad, and California tree frog, are particularly vulnerable to vehicular-related mortality and impaired movement from urban barriers, such as roads and curbs. Connections between even minor watersheds are important to prevent localized fragmentation and isolation.

Because of its isolation the site may be an important breeding area for native species. The depressions where most of the development will take place currently serve to collect water and may serve as nursery sites. The EIR should study these areas carefully. In addition, it has been suggested that man-made trails serve as wildlife

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pathways. The EIR should document what animals use the trails that currently cross the site and the impact of the proposed development on wildlife movement. Finally, the Draft conservation Plan prepared by Dudeck and Associates in Sept. 2003 (their Exhibit No. 4) shows Very High and High habitat towards the middle of the site. The EIR needs to consider an alternative that leaves this area free from development by placing development only in the southern or northeastern portion of the site.

(7) The development footprint on the western portion of the site creates pinch points that may prevent wildlife movement. The Draft conservation Plan, prepared by Dudeck and Associates in Sept. 2003, shows corridors between the development footprint and the adjacent property of less than 500 feet. The EIR needs to identify if wildlife is expected to move through the site on the western portion and if so, provide proof of adequate corridor design. An alternative should be considered that creates wildlife corridors on both the western and eastern side of the site so that wildlife can move freely from north to south. In addition, the EIR also needs to delineate the difference between the development footprint, fuel modification areas, and native habitat areas. Fuel modification areas may become infested with non-native plant species and should not be listed as part of the preserved wildlife area. Plans should be submitted to show how encroachment of native species into wildlife areas would be prevented.

Since the development appears to be designed to fit into depressions in the site currently serving as collectors for water, the project may alter the ability of wildlife to find an adequate quality and quantity of water. Runoff from the development may contain invasive weeds, pesticides and other harmful chemicals that may harm wildlife. The EIR needs to identify how this project supports accepted habitat design standards and what mitigation measures will be used to prevent chemicals resulting from this project from impacting native species.

(8) The Draft conservation Plan, prepared by Dudeck and Associates in Sept. 2003, (Exhibit No. 6) shows an area designated as "Properties currently being negotiated for hard line preserves". The EIR needs to show the public how these areas correspond to the areas shown on (Exhibit No.4). Does the area currently being negotiated for hard line preserves include the area of high habitat value shown on Exhibit No. 4?

Comments to e)

The affects on regional plans currently in preparation, such as MSCP North should be assessed. The proposed project would eliminate or substantially degrade one of the core habitat areas currently proposed in the draft HCP/NCCP

Although a significant portion, the most difficult and expensive to develop portion of the site, is being proposed for open space, the proposed development design does not appear to support accepted habitat design biological goals and principles. By placing development down the spine of the mountain range it creates the largest

perimeter of negative human/ native species interface or "edge effects", fragmenting once viable habitat areas. It appears the open space areas are therefore scraps left over from the development process and not intended to support sustainable populations of wildlife or native plant life. The EIR needs to identify all edge effects that may negatively impact habitat including encroachment into open space to create fire buffers, as well as impacts from people and domesticated animals. In addition, the EIR should show how edge effects will be prevented or acknowledge that the edge affected areas do not contribute significantly to viable habitat and natural open space.

The County's Resource Protection Ordinance (RPO), if applied, would not permit the density proposed on the site. The EIR needs to analyze cumulatively, the impact to biology that the increased intensity of land use has on the site. Since the proposed project is coming before the county as one project, encompassing many parcels, the EIR needs to illustrate possible land use alternatives in context to the entire site as proposed.

V. CULTURAL RESOURCES

Comments to b)

The area just west of Mesa Rock Road north of Deer Springs Road has been under academic study as a significant site of prehistoric habitation by Native Americans. The archeological value of this site and other potential sites should be studied as part of the EIR.

VI. GEOLOGY AND SOILS

General comments:

The project proposes grading of an estimated 12,000,000 cubic yards of soil and rock over approximately 500 acres. This is a huge amount of earthmoving, enough to cover the entire 500 acres to a depth of 15 feet. The most modern design techniques that have been used in projects of similar size and scope should be applied to this project and discussed in the draft EIR to better follow the existing topography and minimize the impacts of the development. If the developer wants to build a project on flat land, they should consider purchasing land that is flat, or nearly so, to begin with.

All of the project phases are located within an active Alquist-Priolo Special Studies Zone. The region is predicted to experience strong earthquake induced ground shaking during the expected life of the project. Earthquakes within 60 miles are capable of generating significant ground shaking.

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The project is not within a low risk area and 12,000,000 cubic yards will be graded over 500 acres. Rock structures will be blasted with sufficient force to fragment rock, thereby minimizing rock crushing. The site is subject to low amplitude ground vibrations from heavy I-15 traffic and explosions at Camp Pendleton. The Initial Study requires the preparation of geologic and geophysical reports. Use of the following guidelines is recommended.

Responsible geologic work is represented by the guidelines for practice issued by The California Division of Mines and Geology for the investigation of geologic hazards and the preparation of reports as California Division of Mines and Geology Notes as follows:

Guidelines for Standards of Practice	
Guidelines to Geologic/Seismic Reports	Note number 37
Recommended Guidelines for Determining the Maximum Credible and the Maximum Probable Earthquakes	No. 43
Recommended Guidelines for Preparing Engineering Geologic Reports	No. 44
Guidelines for Geologic/Seismic Considerations in Environmental Impact Reports	No. 46
Checklists for the Review of Geologic/Seismic Reports	No. 48
Guidelines for Evaluating the Hazard of Surface Fault Rupture	No. 49

Comments to b)

In addition to the issues noted by the county, attention should be given to the danger from marginally stable boulders. The boulders up on hillsides, which enhance the scenic beauty of the area, will ultimately end up in the valleys as natural erosion occurs. Earthquakes, manmade vibrations, etc can accelerate this process. The boulders up hill from the building sites, roads, trails, etc should be surveyed to assure that they are stable and will not present a danger to life or property.

VII. HAZARDS AND HAZARDOUS MATERIALS

Comments to a)

(11) The project plans to move 12,000,000 cubic yards of material. A significant portion of this will require blasting. According to project representative Joe Perring, they will be using relatively large amounts of high explosives to minimize the number of large rocks that go into the subsequent processing. High explosives are hazardous and a plan should be developed and evaluated for proper transportation, storage, handling, and security.

General comments:

(12) When land is graded or just cleared, the wildlife residing on it must either leave or die. Among the animals which can be expected to leave and enter the surrounding properties are scorpions, rattlesnakes, and mountain lions. Evidence of all of these have been seen in the vicinity of this project within the last few years. These creatures can be expected to leave the project property and enter surrounding land creating an additional hazard for the residents and workers there.

VIII. HYDROLOGY AND WATER QUALITY

Comments to a)

The result of grading 500 acres and moving 12,000,000 cubic yards stands to alter the natural flow of water both on and off the site. In addition, grading of this magnitude stands to place a significant amount of soil into the five on-site water sheds. Silt is a pollutant and is listed as such on the Regional Water Quality Control Board's 303D list. The EIR should provide proof that measures indicated by compliance with discharge requirements would work.

Comments to b)

The EIR should provide the public with data that demonstrates that BMPs proposed for the project work and detailing how compliance by the new residents will be obtained.

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Comments to d) and h):

The project will place development into depressions or "bowls" along the mountain range. These areas serve as natural collectors of water for underground recharge of naturally occurring aquifers. The EIR needs to identify the impact of developing these areas on water recharge quantity and on water quality. In addition, the project stands to significantly increase the amounts of various pollutants in the streams leaving the site and entering wetlands. Furthermore, the project will likely add invasive weeds such as Arundo to downstream wetland areas. The EIR needs to evaluate the possible impacts of increased run off, contaminated water and invasive species entering into the waters of San Marcos Creek. Recent new stands of Arundo along Agua Hedionda Creek show mitigation measures designed to remove Arundo are failing. The EIR needs to show what proven methods will be used prevent invasive plants from entering the waterway and identify a funding mechanism to ensure that appropriate mitigation is carried out.

13 Finally, the EIR should identify any residents in the Twin Oaks area who rely on ground water for either a primary or secondary source of water. The project should provide monitoring of water levels and water quality for a number of years after the project is built and mitigate any adverse consequences of the project on these wells. In addition, the EIR needs to evaluate the possibility of pesticides, herbicides and other chemicals generated by the development entering into the underground aquifers and determine what can be done to mitigate this near certainty.

IX. LAND USE AND PLANNING

Comments to a)

14 The significant size of the project is inconsistent with the General Plan. The leapfrog zoning will allow for a significant increase in density beyond the natural progression of regional growth patterns. The urban sprawl will impose significant land use issues in the future on the rural and agricultural uses that exist today. Uncontrolled urban encroachment will impair agriculture, horse farms and the rural character of the existing community. A division of the community will occur due to the significantly higher density proposed by the developer. The community character will also be divided or disrupted because the small lot development is decidedly urban in nature and will divide the existing rural communities of Twin Oaks and Bonsall.

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Comments to b)

A Community Character Workbook was created for General Plan 2020 by DPLU staff based on community workshops and investigation of the community. Photographs of the Twin Oaks Valley Planning Area were included to illustrate the concepts. This workbook does an excellent job of describing the Twin Oaks Valley community, and highlights the rural nature of the area, the low population density, the diversity of land uses, the quiet and serenity, the rural aesthetics, the dark skys at night, the absence of clustering, and the consistently large lots (2-40 acres). These existing and planned aspects of the Twin Oaks community contrast starkly with the proposed urban nature, 1/10 acre lot sizes, clustered development, high population densities, large commercial development, and strictly residential communities without agricultural uses. Twin Oaks does not have an adopted Community Plan, but one was written by community members approximately 11 years ago and it was approved by the Sponsor Group February 15, 1995. This community plan and the working copy of the community plan being developed as part of GP-2020 both agree closely and support with the description of the community found in the Community Character Workbook.

15 The Sponsor Group and the local community have worked for years to keep curbs, gutters, sidewalks, and most importantly street lights out of the area. These are urban amenities and do not belong in rural-agricultural areas. This project would bring these urban elements into Twin Oaks where they are not wanted.

16 The North County Metropolitan Subregional Plan lists four goals. Two of these are pertinent to this project. Goal 1 is to "Accommodate urban development in *appropriate areas*." (emphasis added) Goal 4 is to "Protect environmental resources because, A) the subregion includes scenic rugged terrain which is not suitable for urbanization; and B) resource conservation areas have been identified to help protect valuable resources throughout the Subregion." The Merriam Mountains and San Marcos Mountains are designated as Resource Conservation Areas in Appendix A of the subregional plan and are described as "especially significant because they have rare and endangered plants such as... These mountains are also a visual landmark." The Stonegate project is predominantly within these designated resources conservation areas which would exclude them from the "appropriate areas" referred to in Goal 1.

In Chapter 3 of the North County Metropolitan Subregional Plan, Policy 2 lists 5 specific areas to be designated as Current Urban Development Areas (CUDA). None of these 5 designated CUDA areas are in the project area. Designating all or a part of the project area as CUDA would violate this policy. Policy 3 in the same document refers to "areas with relatively level terrain located near North Escondido" as appropriate to Future Urban Development Areas (FUDA). Clearly the project site does not even meet the guidelines for FUDA designation.

Policy 6 of the North County Metropolitan Subregional Plan identifies potential future commercial sites and the Stonegate project area is not included. Changing land use to commercial for the Stonegate property would violate this policy.

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17 The value of agriculture is stated in Policy 11 and states, "Designate the Twin Oaks Valley (portion outside San Marcos sphere) ... as intensive Agriculture. Designate remote areas (primarily east and northeast of Escondido) as multiple rural use. These designations will limit the intrusion of incompatible land uses from existing agricultural lands." These designations exist today in compliance with this policy. The proposed project would change this designation in violation of this policy.

The proposed density being requested is roughly 8 times higher than allowable under the existing General Plan, or any of the working copies of General Plan 2020:

18 The proposed density is also about eight times higher than would be allowed by the adopted preplanning of the City of San Marcos for the portion of the area within their sphere of influence. Most of the portion of the project which is in the San Marcos Sphere of Influence is designated Hillside Residential with densities of 0.05 to 0.25. Given the steep slopes on the property it would end up closer to 0.05 than to 0.25. The remainder is designated as Agricultural Preserve with a maximum density of 0.125. Currently only a small portion of the proposed project site is designated CUDA (Current Urban Development Area), but the project would designate a major portion CUDA. It is understandable why they would want to designate the building sites as CUDA since their development levels are urban in nature, but it is hard to understand why they want to designate the permanent openspace portion of the project as CUDA. This requested designation on the openspace leads us to question how permanent it would really be.

The disruption to the General Plan is unnecessary and will result in expensive extensions of public services and facilities and inevitable conflicts between proposed urban residents and the existing rural-agricultural communities which surround them. The proposed General Plan and Specific Plan amendments are in complete opposition to all previous land use planning done for the project site (except that previously done by Stonegate).

X. MINERAL RESOURCES

No additional comments.

XI. NOISE

Comments to a)

The project proposes to do a significant amount of grading which most likely will require a large mining, rock crushing, and sorting operation due to the soil and sub-soil characteristics of the area. Some of the proposed developed areas are quite near existing populated rural areas. Careful analysis needs to be made of the

Twin Oaks Valley Community Sponsor Group
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significant noise associated with these construction activities. Limitations must be placed on location of equipment, hours of operation, hours of trucking activities, hours of construction activities, hours that maintenance is allowed, etc.

The project proposes to move an estimated 12,000,000 cubic yards of soil and rock within the project. National Quarries has been operating an unregulated aggregate business in the Twin Oaks area for the last 4 years and is currently processing a Reclamation Plan to operate a regional aggregate quarry for the next 75 years. It is well under 1/2 mile from the boundary of this project. National Quarries is asking to be allowed to excavate and process 2.3 million cubic yards of material over 75 years from 212 acres. This volume of material only 19% of what is estimated to be moved incidental to this housing project over an unspecified but undoubtedly much shorter period of time. It is interesting that this housing project would move 5 times as much soil and rock as a self-professed quarry would from roughly 40% of the area. Thus the intensity of quarrying in the housing project would be about double that of an actually quarry.

If only one quarter of these 12,000,000 cubic yards contains material which needs processing between the cutting and the filling operations, it will result in approximately 400,000 truck trips for 20 cubic yard trucks and years of operation for several crushing and screening machines. The impacts of blasting, earth moving, grading, along with the trucking, rock breaking, crushing, screening, and handling of the aggregate material in between the cut and fill activities will create substantial noise. This level of noise, vibration, dust, etc. justifies a Major Use Permit to cover this activity before any additional portion of the project is allowed to proceed. As an alternative a full analysis of the scope of the job, detailed studies of the topography, depth of overburden, and nature of the rock underneath along with detailed plans for mitigation of the impacts could be required.

If the project is built it will very significantly increase the amount of traffic on the local roads and regional thoroughfares and will, in addition, create a noticeable increase in the traffic on the already overburdened I-15. This added traffic would contribute the substantial road noise associated with this increase in traffic.

According to the project maps, there are seven locations where relatively high density development would be placed very near low density properties. Urban and rural areas produce different noises, and at different times. The urban electronic entertainment, automotive, and other noises peak in the evenings and on weekends when rural areas tend to be quiet. The rural agricultural noises such as aerial and ground spraying of crops, tractor work, chain saws etc tend to be relatively continuous and occur predominantly during the hours that sunlight is available. Both types of noise will annoy residents of the other type, and friction will result. With the large amount of space available on the project property, the development footprint should be relocated to provide at least 1000 foot setbacks from the project boundaries. It is not safe to assume that houses placed near avocado groves will have the groves for

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neighbors in the long term. Setbacks and assurance of compatibility should be provided by the project itself, not assumed to be the responsibility of the neighboring property owners. Another benefit of project setbacks of 1000 feet or greater is that this would provide suitable connectivity between wildlife habitat areas.

Comments to b), c), and d)

The county noise ordinance does not only limit noise generation at the property line to 65dB but also limits noises when they would constitute a nuisance. In light of this and the extreme quiet which exists in the outer areas of Twin Oaks Valley most of the time, the noise limits on all phases of construction, all aspects of commercial activity, and all areas of residential use must be studied relative to existing ambient noise levels to assure that the levels are below the current ambient levels.

The Stonegate project is proposing several new access roads, and from the time construction traffic starts through project completion, these roads will carry very large amounts of traffic. All of these roads will be adding significant noise, vibration, light pollution, and other impacts in areas that currently have none. The access road closest to Sarver Lane will essentially fill two of the properties purchased for the project and also an alleged easement. This will create several problems for the residents near the access road.

- They bought rural land zoned for residential and agricultural uses. Now it appears that their neighboring property will be turned into a major arterial road, in some cases with steep grading proposed right up to the property line. The setbacks these people used when building their homes were appropriate when they thought they would have neighbors with similar interests and lifestyles. These setbacks are completely inadequate for a rural setting adjacent to a major road. Their peace, serenity, privacy, clean air, dark skys at night, etc. will be lost.
- Stonegate is telling these residents that they can not keep their current access roads, but will instead have to take access from the new Stonegate road. Due to topography and the arrangement of the roads it appears that it will become impossible for these residents to bring in large trucks to move horses, make agricultural pickups and deliveries, etc. It also appears that large motor homes will not be able to access these sites conveniently if at all.
- These residents have built homes, equestrian facilities, plant nurseries, and have planted heirloom trees to propagate and sell commercially. The value of the homes will be drastically reduced, the equestrian facilities will become useless when they are adjacent to a major road, and the reduced air quality could affect the commercial and residential plantings.

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- The other access roads will have similar affects, but apparently not to the same degree. The impacts creating new major roads or evacuation roads in areas not planned for them should be studied, and the effectiveness of possible mitigation measures evaluated.

XII. POPULATION AND HOUSING

Comments to a)

The proposed project will result in substantial population growth in an area which is rural and agriculture in character. The proposed clustered development is really a leapfrog development and would result in uncontrolled urban encroachment. The General Plan should be considered a constitutional protection for citizens who have moved to the area and bought land and developed their homes and frequently businesses in reliance on the protection of the general plan. The protection being that residents who came later would also be required to conform to the general plan and zoning.

For a comparison, Stonegate by itself would almost triple the population of the Twin Oaks Valley Planning Area.

XIII. PUBLIC SERVICES

By placing low income and/or senior housing far from the job market and far from general shopping in an area without public transportation, the project proponents are creating a bad situation. The situation is bad because the low income residents will either have to walk several miles or stretch their budgets to purchase a car, or a governmental agency will have to provide public transit to an area where it doesn't make sense economically. If the objective is to convert the apartments to condos because they can not be rented, this is a good way to set it up. This situation also raises the question about what these people would do in an emergency. In the event of a fast moving fire they would be in the worst of trouble and have to rely on already stretched public safety personnel for transport. In minor medical emergencies they would have no choice but to call an ambulance at a high cost to themselves and the public. Low cost residences should be in an area with public transit and with full shopping and jobs within a walkable distance.

XIV. RECREATION

No additional comments.

XV. TRANSPORTATION/TRAFFIC

Comments to a) and b)

The project proponents are requesting a major increase in density which will result in a proportionate increase in traffic. The commercial facilities would add additional traffic. The Twin Oaks and Deer Spring roads are already operating at a level of service F during the peak AM and PM commutes. The significant traffic load from Riverside County commuting south on I-15 uses the surface roads of this community as a "short cut" from the daily backup on I-15 usually extending from Miramar Road to Deer Springs. The community is also facing several other projects which propose increased traffic levels;

- (19)
- ↓
- CSU San Marcos is slated to grow to become larger than San Diego State University and it is expected that the vast majority of the students would be commuters.
 - The TERI and Casa projects would add approximately 600 ADTs.
 - Palomar Hospital is planning to build a regional hospital in association with Kaiser Permanente on Center City Parkway just south of Deer Springs Road.
 - The Hidden Meadows community continues to grow and the Lawrence Welk Resort area has a major shopping center and outdoor amphitheater planned.
 - SANDAG and the city of San Marcos plan to cut Twin Oaks Valley Road through to the south and connect it to regional arterial roads there.
 - The population of San Marcos has been among the fastest growing in the county for several years, and this is expected to continue. Many of these new residents can be expected to use Twin Oaks Valley Road and Deer Springs Road when they travel to the north.
 - If the upper portion of Twin Oaks Valley Road is cut through to Bonsall as shown on the project maps, it can be expected to become extremely busy with residents of Fallbrook, Bonsall, and other areas using it as a cutoff to avoid some or all of I-15 and Hwy 78.
 - Two new large housing projects are being planned for the I-15 and Hwy 76 area. Many of the residents can be expected to get on I-15 south and use Deer Springs/Twin Oaks Valley Road as a cutoff.

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Comments to e)

The upper portion of Twin Oaks Valley Road, north of the intersection of Twin Oaks Valley Road and Deer Springs Road has only one access route, Twin Oaks Valley Road to the South-East. This project proposes to add a major access route and an emergency escape route for this project onto this portion of upper Twin Oaks Valley Road. In the event of a major fire which would probably come from the east driven by Santa Ana winds, the residents of the Stonegate project would escape to the west and to the south. Currently, in the event of a fire the road would be overburdened by residents trying to escape with their loved ones, belongings, pets, horses, and other animals. The number of people leaving would be further limited by traffic from other areas evacuating on Deer Springs Road and North Twin Oaks Valley Road. The tight pinch point in the traffic flow would be the intersection of Deer Springs Road and Twin Oaks Valley Road. The addition of thousands of cars and trucks from the Stonegate project at the same time would make a bad situation much worse and potentially deadly.

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The effectiveness of the roadway system in an emergency, and the impacts that Stonegate's project would have on this should be studied. In addition, the impacts that emergency evacuation of the project would have on Deer Springs Road should also be studied. The current Level Of Service F (on the A through F scale) presents concerns regarding the ability for ambulances, fire trucks, and other emergency vehicles to access the area around the project in a timely manner in normal times, and especially so during emergency situations. Adding 30,000 ADTs would probably leave these roads at LOS F even if they were expanded to 4 or 5 lanes. In an emergency, things would be worse yet.

General comments:

The projects listed above and other projects we are unaware of will need to also be taken into consideration in evaluating the direct, indirect, and cumulative effects of this project. The community is strongly opposed to widening the surface roads just to accommodate the requests of the developer for increased density. Uncontrolled urban encroachment will threaten the public by causing increased traffic congestion.

Both of the planned southern access routes to the project property cross a regional aqueduct which belongs to the San Diego County Water Authority. This aqueduct provides water to the eastern part of San Diego County and is part of the emergency water transfer program. When this aqueduct requires repair, maintenance, or expansion, it will either require expensive and time consuming tunneling or the closure of the access routes. The SDCWA should be contacted to determine if they will allow their aqueduct to be covered with a road that can not be shut down to allow

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work on the aqueduct. If they will not allow a road which must stay open, then either the road system will have to be designed to allow acceptable normal and emergency functioning of the roadways, including the off project roadway system, with one or possibly both of the southern access roads shut down. There may be other alternatives, but this needs to be determined.

22 It is our understanding that not all easements are in place for the access roads and emergency evacuation roads as shown on the project maps. At what phase in the project is a proof of easements required? If condemnation proceedings would be required for the project to proceed they should be made public at this time.

Interstate 15 south of the project has been recognized by SANDAG as the most overburdened freeway in the County. New projects like this one should be required to mitigate the impacts they have on these and other major circulation roads.

This project will cause significant traffic within the City of San Marcos. Mitigation contributions should be made to cover the costs associated with this additional traffic.

XVI. UTILITIES AND SERVICE SYSTEMS

Comments to sections a) and d)

For several years, Vallecitos Water District (VWD) has not written letters promising to provide water or sewer service during the planning stage of projects. Their standard letter says that they currently have capacity to provide service, but that this may not be true when it comes time for commitments to be made. If it is important that these commitments to service be in place at this time (as the CEQA Initial Study- Environmental Checklist Form states they are) then the documents from VWD should be studied carefully. Given the current SDCWA shortage of water treatment capacity, the continuing disputes over rights to Imperial Valley and Colorado River Water, and the continuing statewide drought, the excess capacity to serve this project is doubtful. In addition, VWD has limited wastewater treatment facilities, and limited capacity to dispose of treated wastewater. If these capacities are fully subscribed before Stonegate obtains a commitment, then Stonegate will have to make other arrangements. If these other arrangements are to be considered as project alternatives, they should be described and studied in the EIR.

Twin Oaks Valley Community Sponsor Group
Response to GPA 04-06, SP 04-06, Stonegate Merriam Mountains Specific Plan

General comments:

The state has had electrical power generating problems for many years. Each summer blackouts or rolling power outages either occur or are threatened due to lack of generating capacity or lack of power transmission capability. On hot summer days the power grid frequently operates with only a few percent system capacity. A project of this magnitude should be required to either assure that adequate system capacity exists to serve them, or make arrangements to provide that capacity. To subject existing residents to periodic blackouts so new homes and business can be built seems unreasonable.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:

The TOVCSG agrees with staff's Mandatory Findings of Significance.

In the comments above we have attempted to provide additional information regarding the impacts this project would have on the Twin Oaks Valley, Bonsall, Hidden Meadows, and surrounding communities. We thank staff for their insightful comments and attention to detail regarding this proposed General Plan Amendment.

Sincerely,

Gil Jemmott, Chair

CC: Mr. Gary L. Pryor, Ivan Holler, Bill Stocks, Larry Hofreiter, Robert Frey (Hidden Meadows CSG) and Margarette Morgan (Bonsall CSG)

Q

LAW OFFICES OF WESLEY W. PELTZER

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October 28, 2004

CONFIDENTIAL: ATTORNEY-CLIENT &
WORK PRODUCT PRIVILEGE CLAIMED

Maggie Loy
Environmental Planner
Department of Planning and Land Use
County of San Diego, MS0650
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

VIA FACSIMILE & U.S. MAIL

Re: *Comments On Notice Of Preparation For Merriam Mountains Specific Plan;*
GPA04-06; ER04-08-028
Our File No. 5215.003

Dear Ms. Loy:

Our office represents Wyndham International who owns the Golden Door. The Golden Door includes approximately 377 acres of land on the south side of the Deer Springs Road across the street from the proposed Merriam Mountains project. The Golden Door has existed in the Twin Oaks Community since 1959, a period of 44 years, and has been consistently ranked as one of the finest spa's in the world. The Golden Door is extremely concerned about the impacts of the Merriam Mountain Specific Plan project upon both this property and its existing uses. Accordingly, we are requesting that the environmental impact report for this project carefully analyze all impacts upon the Golden Door in conjunction with other anticipated development in the area. Specifically, we are requesting that the following impacts on the Golden Door be analyzed:

1. Guests of the Golden Door follow a program of daily massage, meditation, beauty treatments, stretching, diet and exercise designed to teach them a healthy lifestyle following serious heart attacks and other illnesses. These guests come to the Golden Door for its serenity and quiet. A noise study of the Golden Door was completed by Investigative Science and Engineering in March 2003 that concluded that the combination of the T.E.R.I. and the Merriam Mountain projects would increase traffic-related noise levels at the Golden Door by slightly over 5.0 dBA CNEL and would raise ambient noise levels within the Golden Door property to above the County's Policy 4b standards. This noise study also

determined that the Merriam Mountain and T.E.R.I. projects would render the boundaries of the Golden Door property adjacent to Deer Springs Road unusable due to noise levels exceeding 70 dBA CNEL. The noise study should evaluate traffic noise impacts upon the Golden Door from the Merriam Mountains project in combination with the proposed T.E.R.I. project and other planned development in the area; and

2. The traffic study should include an evaluation of traffic impacts on the Golden Door from the Merriam Mountains project in combination with the proposed T.E.R.I. project and other proposed development in the area. A traffic study completed by Darnell & Associates in March 2003 determined that T.E.R.I. project traffic had a significant direct impact at four intersections and two roadway segments within the vicinity of the Golden Door, including the Golden Door's access point on Deer Springs Road. This traffic study also determined that the Merriam Mountain project would have a significant direct impact at all five intersections analyzed and two roadway segments within the vicinity of the Golden Door, including the Golden Door's access point on Deer Springs Road. The traffic study completed by Darnell indicated that Deer Springs Road west of the Golden Door was then operating at an LOS "E" condition and that Deer Springs Road east of the Golden Door was operating at an LOS "F" condition without consideration of the T.E.R.I. or Merriam Mountain projects. The traffic report concluded that with the addition of the T.E.R.I. and Merriam Mountain projects, Deer Springs Road both east and west of the Golden Door would be operating in an LOS "F" condition with volumes of traffic substantially exceeding its design capacity of 10,900 vehicles per day. The traffic study should evaluate all traffic impacts to the Golden Door including traffic impacts to its access road; and

3. Traffic safety at the access point to the Golden Door has already become a major issue since the heavy flow of traffic has prevented guests of the Golden Door from entering and exiting its facilities. This traffic safety issue was confirmed by the traffic study completed by Bill Darnell in March 2003. The traffic study should specifically examine traffic safety impacts to guests and employees of the Golden Door through its point of entrance and exit; and

4. The Stonegate project as currently proposed is not consistent with the densities for this area permitted by the County's General Plan 2020. As part of General Plan 2020, County staff has proposed that the Stonegate area be designated as rural lands permitting only one dwelling unit every 40 acres. Thus, County staff's proposal for the site would permit only 58 dwelling units on the entire 2,320 acre site. In June 2004, the Board of Supervisors considered a number of referral properties including the Stonegate property. At that time, the Board made a motion to permit residential development on the Stonegate property of one dwelling unit for 20 acres. This would permit approximately 116 dwelling units on the

③ Stonegate property, which is again far less than Stonegate is now proposing. The land use portion of the environmental impact report for the Stonegate project should be required to analyze the consistency of this project with the County's general plan 2020; and

5. As noted in County staff comments, the project site has land designated as prime farm land, unique farm land, or farm land of statewide importance. The area around the site is also designated for agricultural uses. However, the impact of the Merriam Mountains project on farm land needs to be considered in combination with other proposed development in this area including specifically, the T.E.R.I. project. Much of this area of Twin Oaks Valley has been designated A-70 for agricultural uses and County comments on the T.E.R.I. project indicate that the T.E.R.I. project by itself will have significant impacts upon agricultural uses and pesticide uses in the area. Impacts to agriculture from the Merriam Mountains project need to be evaluated in combination with the T.E.R.I. project and needs to include an evaluation of limitations on pesticide uses in the area as a result of the special school status of the T.E.R.I. project; and

④ 6. Visual impacts of the Merriam Mountains project on the Golden Door need to be examined. Virtually all of the Golden Door site will have a direct view of the extensive grading and landform changes noted in County staff comments; and

⑤ 7. A detailed study needs to be completed evaluating the cumulative impacts of the Merriam Mountain project in combination with the T.E.R.I. project and other anticipated development in the Twin Oaks community. Projects planned in this area currently include, but are not limited to, soccer fields that would accommodate 2,000 people, the Casa De Amparo project that proposes a daycare center, home and school for abused, abandoned, or neglected children located on Buena Creek Road, the T.E.R.I. project located on Deer Springs Road, and the Merriam Mountains project; and

⑥ 8. The compatibility of the Merriam Mountains project with existing land uses at the Golden Door needs to be carefully evaluated. Most of the grounds of the Golden Door have been preserved as a nature preserve area. The Golden Door is a home or stopping-point for almost 100 species of birds and mammals, including fox and coyote. The Golden Door includes a 25-mile private trail system which is walked on a daily basis by the guests. The grounds include three acres of organic vegetable gardens that produce most of the fresh vegetables served on the premises. Boiled down, the Merriam Mountains project will literally create a small city of its own, thereby fundamentally altering the rural and agricultural character of both the area and the Golden Door. Compatibility of this project with the Golden Door and its existing uses must be evaluated; and

Maggie Loy
October 28, 2004
Page 4

9. Air quality and air pollution impacts of the Merriam Mountains project on the Golden Door must also be considered. San Diego County is presently a non-attainment for the annual geometric mean and for the 24 hour concentrations of particulate matter and the enormous vehicular increase proposed for the Merriam Mountains project will have a particularly devastating effect upon the Golden Door, due to its close location to Deer Springs Road. The air quality study should specifically evaluate air quality and air pollution impacts of this project upon the guests, employees, and unique habitat located at the Golden Door; and;

10. Impacts of the Merriam Mountain project upon biological resources in the area should specifically include an evaluation of the impacts of this project upon the 100 species of birds and mammals, including fox and coyote located on the Golden Door site and should also evaluate the impacts of the proposed project upon movement patterns and corridors for animals who cross and utilize the Golden Door site.

It is particularly crucial that all studies pertaining to this project be evaluated in combination with other anticipated development in this area, including expressly the T.E.R.I. and Casa De Amparo projects. There is a great deal of present pending activity in this area that will vitally affect the rural character and agricultural lifestyle of this area that must be considered in combination and not isolated.

Thank you for providing the Golden Door with the opportunity to comment upon the notice of preparation for the Merriam Mountains project.

Sincerely,

LAW OFFICES OF WESLEY W. PELTZER



Wesley W. Peltzer

WWP:pf

cc: David Howarth (via facsimile)
Rachel Caldwell (via facsimile)

Bill Stocks
Department of Planning and Land Use
5201 Ruffin Road, suite B
San Diego, Ca 92123-1666

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RECEIVED

OCT 28 2004

DEPARTMENT OF PLANNING
AND LAND USE

MERRIAM MOUNTAINS SPECIFIC PLAN "STONEGATE"
GPA 04-06, SP 04-06, R04-035, S04-035, S04-036, S04-037, S04-038,
LOG NO. 04-08-028;

Mr. Stocks,

Please accept my comments concerning the Notice of Preparation of an Environmental Impact Report for the above SP. Please consider me an interested party and copy me in all reports, staff communications with proponent and deadlines. Of special interest is the Habitat Loss Permit, including timely noticing of all meeting dates, locations and agendas of this public process.

The pre-scoping of this EIR is flawed at the onset: The Hidden Meadows Sponsor Group - and community - had been excluded from planning participation and community comment. This lapse in County oversight is incredible; and brings into critical focus the entire underpinnings of this project's environmental review. As of 3 weeks ago today, I received communication that Hidden Meadows Community review has at last been included for project comments. I cannot fathom how an entire community, in view of the site, could be overlooked. I am embarrassed at the ineptitude of DPLU management. I will bring my concerns to the Board of Supervisors, as well as affected parties throughout the county.

This brings the subject of the legal notice published in the San Diego Union Tribune on September 30th, 2004. This notice is faulty, failing to specifically include the Hidden Meadows Planning Area, and must be republished with the correct information, as well as establishing new comment period timelines.

The residents of Hidden Meadows must be allowed adequate time to gather information and critically respond to a project of this enormity to their community. Please advise all interested parties of the new times for public review and comment prior to re-publication.

As you are well aware, Hidden Meadows abuts the project's eastern boundaries, separated only by the heavily impacted I-15 freeway.

The traffic implications for Hidden Meadows residents with an additional 2391 homes utilizing Deer Springs/Mountain Meadows intersections can reasonably be considered a formulation for gridlock: A catastrophic condition in the event of a repeat of last year's fires.

At a minimum, the freeway bridge over I-15 will require expansion to 6 lanes - with 8 lanes at project build-out - to insure the safety of all affected residents during emergencies. Bridge traffic congestion during last year's Paradise fire, even prior to occupancy of the IHP project, demonstrated to the Sheriff and Highway Patrol that the existing infrastructure is not suitable for emergency conditions. Day-to-day freeway events, such as overturned trucks, already reduce traffic flow to a state of paralysis. This project's impact, coupled with - and magnified by - the growth of Temecula area commuters over a 10-year project period, is a formula for continuous vehicular chaos.

Meaningful mitigation for project impacts to traffic congestion appears to defy both present traffic reality and future Cal-Trans projections. Project associated vehicle congestion, potentially lethal in emergencies, must be completely evaluated in a safety analysis. Emergency evacuations of all communities utilizing the freeway and bridge should be an essential consideration. Project initiated traffic, in combination with present and projected I-15 vehicle density must be considered in a detailed cumulative impact analysis.

Of paramount importance is an unbiased and comprehensive evacuation and emergency service analysis. Traffic safety considerations must include the proven hazards of cataclysmic wildfire, freeway gridlock from toxic spills, earthquake or fire damage to the bridge, its roadbed and frontage access; as well as concentrated periods of inclement weather. The safety of current and projected residents must be cornerstones of any portions of project consideration as the project impacts to traffic will be unprecedented in scale.

We believe that Cal-Trans is the only agency competent to evaluate the complexity of impacts to the I-15 corridor. Reliance on developer-paid consultant traffic studies should only be considered to have application in

the confines of the project site. Neighboring residents refuse to have their community safety jeopardized by the inherent conflicts-of-interest present in developer-funded entitlement studies.

Please note that County liability will be extended beyond the project footprint in the case of inadequate evaluations of traffic safeguards. Planning decisions based on any defective road infrastructure, engineering and traffic controls have the potential to extend project traffic influence onto the heavily impacted Deer Springs Road and I-15. The obvious impacts to traffic safety precipitated by this enormous project call for a pre-emptive liability evaluation by the DPW's in-place team of liability experts.

CHP records and Cal-Trans reports will demonstrate Hidden Meadows residents and any other drivers attempting to use the Deer Springs/Mountain Meadow interchange during an emergency situation are unable to function in a safe and effective manner. Present abysmal driving conditions, even due to minor traffic accidents, plainly demonstrate the future perils if this project is built.

MERRIAM MOUNTAIN RCA ?

- ① As with the entire community of Hidden Meadows being unmentioned, I also note no references to the (Mission) Resource Conservation Area or RCA. Project impacts to the RCA, Moosa Canyon and the Moosa Creek tributary to the San Luis Rey River must be considered. As you should be aware, areas of the project drain into the already impacted San Luis Rey from this southern watershed. The San Diego Regional Water Quality Control Board is in the process of devising standards for Total Maximum Daily Load (TMDL) with the San Luis Rey River as a focal point for TMDL standards. As Lead Co-permittee, The County of San Diego is required to maintain and uphold the 2001 Stormwater Order and plan this project with the safety of our drinking water and environmentally sensitive watersheds as the priorities.

The enormous project size, challenging landforms and grading quantities of "Stonegate" indicate that extraordinary protections be inculcated into this project to prevent water quality disasters.

We expect that the DPLU will learn - and act - from its planning errors in the nearby Hidden Meadows project; planning from project inception to

protect the Deer Springs area in general and the much larger 2320-acre site for "Stonegate".

These planning areas share nearly identical features, both being sited in the Merriam Mountains. We expect standards of protection that are highly effective, proven and site specific; taking into consideration steep slopes and soil composition, along with pooling and runoff characteristics of grading-created cut and fills. Boilerplate instructions and generic County guidelines, as demonstrated in Hidden Meadows, proved woefully inadequate for runoff control. We expect the full expertise of the county DPLU and DPW engineering staff to participate in evaluating each grading area individually, with modifications to be pre-planned and in place to prevent site runoff. We will aggressively pursue violations to the 5 (FIVE) neighboring watersheds with all available conservation resource entities.

The 12,000,000 cubic yards of earth proposed being removed and replaced represent one of the most significant projects with potential effects to water quality in recent County history. Aside from the Gregory Canyon Dump, we can think of no other proposal with the potential for destructive water quality impacts. The combination of steep slope terrain, rapid soil runoff characteristics along with extensive mass grading places this project at a very high threat level to water quality.

The record of construction violations at the IHP site document that County Best Management Practices (BMP) must be vastly improved, in place year 'round as well as established in an atmosphere of highly critical site planning criteria. BMP Planning must be of sufficient quality to invalidate unsafe site practices by being employed at the mapping stage, rather than undergoing disasters in the field during the rainy seasons as experienced in Hidden Meadows.

We demand that the reality of failed grading plans learned in Hidden Meadows be incorporated to prevent the nearly endless cycles of blasting, grading, re-blasting and re-grading that confronted residents. As you can well imagine, the colossal scope of the "Stonegate" blasting and grading will be the equivalent of a war zone. Residents should not have to bear the price of County planning failures with unlimited disturbances from toxic silicate dust, equipment noises and explosions.

We were greatly perplexed to find there was not even mention of the word "BLASTING" in the EIR scoping notice. It is beyond comprehension that the County hides from the reality of years of blasting that await neighboring communities. Again, as with Hidden Meadows, the county is apparently allowing the development proponents to guide and influence the scoping agenda by a passive review of data. Moving 12,000,000 cubic yards of granite boulders and bedrock is the equivalent of constructing a city. We ask that the rights of the residents be upheld by CEQA, as well as the environmental assessments.

Proper planning begins with realistic geologic assessments of what material is scientifically expected to be encountered - and the grading times and intensity required. We consider any open-ended permits for unlimited blasting and grading operations as affronts to our community character and residents' reasonable expectations of a peaceful rural environment. Should any blasting/grading permits be issued, they should be structured as performance bonds. Grading permission must be processed in tandem with failure-to-perform penalties meaningful to a corporate entity as well as establishing absolute deadlines to insure that regardless of geologic strata encountered, grading and blasting can be completed in a responsible time period.

"Blank checks" in the form of unlimited grading entitlements are abusive examples of DPLU-DPW ministerial discretion; documentation of a lack of critical thinking and proof positive of abandonment of County stewardship. The County must manage and control its approved projects from inception to completion. The County's primary responsibility is for the safety of its citizens, not the profit ambitions of applicants. Any type of County abandonment of responsibilities is a breach of the Publics' trust in government. This project will be carefully examined for any indications of applicant "self-monitoring" and abdication of County responsibility.

Be advised that so-called "Geotechnical Surveys" must be completed in accordance with approved grading plans and permits. The practice of soil removal, brushing, trenching and ripping are unacceptable without proper authorization, protections and BMPs in place as well as being actively monitored by County staff. As in Hidden Meadows, any such "survey" violations will be reported to SDRWQCB north county enforcement teams as well as the USEPA, with agency actions directed against the County of San Diego as Lead Agency and Lead Co-permittee.

Senate Bill 1334, the California oak woodland protection act requiring mitigation standards for oak woodlands impacts has been signed into law by Governor Schwarzenegger. This massive project will have impacts to oak woodlands and this important topic should be addressed in detail, not in the discounted manner as a mere CEQA checklist item. The presence of Engelmann oaks is of particular interest to the Hidden Meadows community, as well as the project protections of these threatened oaks.

The County's "oaks is oaks" mitigation philosophy adapted in Hidden Meadows resulted in the decimation of numerous stands of rare Engelmann. To this point, County has not yet received information on Engelmann populations in Stonegate, let alone any other countywide Engelmann population study. The County's failure to acknowledge, identify or quantify Engelmann populations is the singular reason for the widespread destruction of this most rare of the California oaks. Please understand that Engelmann sites will be independently verified and documented against mapping presented by the applicant.

Any suppositions of "hybrids" or "crosses" in the threatened Engelmann population should be substantiated by citation and verification by County biological staff in the EIR. An explanation of how such conclusions have been developed as well as any distinctions in the role of biological assets that differentiates Engelmann values from so-called hybrids. From onset, the project should be directed to conserve the dwindling Engelmanns through project planning that insures onsite Engelmann preservation in perpetuity.

Engelmann and other oaks serve as cornerstone environmental resources for hundreds of species of wildlife. Ignoring the rarity or environmental contribution of Engelmann oaks during the planning process for Stonegate will not be acceptable. Be advised that this issue will be closely followed in all public processes and taken to the state agencies if County oak stewardship remains at the unacceptable level displayed in our Hidden Meadows community.

Several less time-sensitive but nonetheless important items include:

The exact status of protection for open space easement lands, and the County's assurances of maintaining that status.

Full disclosure of the MSCP lands that are proposed for preservation on this project.

2 water quality basins that are to be constructed. Please elaborate on the rationale for the requirement for the basins, construction materials and dimensions.

An Open Space Easement vacation that is slated as part of the project.

The status of 24 private parks, and whether these areas are included in the open space numbers.

The present zoning status of S-82 for rock quarry use and the obvious conflicts with residential zoning.

401 Permit time - line

The 1603 Streambed alteration permits timing and status

The effects to ground water re-charge from the proposed impermeable surface area, both on-site and to the riparian and farm lands southwest from the project on the Twin Oaks area.

A study of past annexation attempts by the City of Escondido to this highly prized area, and what safeguards will be in-place to preserve limitations required by the county.

The placement of a reservoir, the reasoning for such, and how this would be prevented from becoming a west Nile virus propagation area.

While there are certainly other areas of concern, I will await your response to these basic areas before building further on the concepts. Please don't hesitate to contact me by mail or phone.

Sincerely,

George Courser
3142 Courser Avenue
San Diego, Ca 92117
858-274-0127
858-273-2426
gcourser@hotmail.com

copies : Concerned Citizens of Hidden Meadows
Interested parties

From: Pauline Hadley <phadley@inetworld.net>
Date: Thu, 28 Oct 2004 08:33:20 -0700
To: Bill Stocks Stonegate project Mgr
<william.stocks@sdcounty.ca.gov>
Subject: Comments on Stonegate

Pauline Hadley
physical address: 610 Deer Springs Road, San Marcos, CA 92069
mailing address: 306n W. El Norte Pkwy, #423, Escondido, CA 91016
phone: 760 471 1122
fax: 760 744 1994
email: phadley@inetworld.net

10-28-04

Dear Mr. Stocks:

I have just reviewed the objections of my neighbor, just across from me, and agree with all her points. I am wearing a heart monitor today, under care of Dr. Douglas Moir in Escondido, so may not get to a post office timely, due to my health. I do wish to add a few of my objections, and hope email will suffice. Please be sure my thoughts get into the correct hands.

① (1a) My ingress/egress is being taken away by Stonegate. My driveway is 10 ft. from this intersection, and my home is 135 ft. higher than Deer Springs road, making a long steep driveway. Perring has been told that I have semi trucks come to my nursery, have 40 ft. ocean containers to remove at some future date, and that friends with 40 ft. motor homes visit me. He wants me to enter and exit from their new proposed road, which would cause extreme problems for me, as the turning radius for my elderly guests, in their long motorhomes, could not make a turn. He has not submitted a drawing, just requests more and more meetings. In short, my driveway is next door to his planned intersection, on his AG zoned land, and would prevent ingress-egress in an easterly direction. I believe it is unlawful to put a street intersection next to a driveway, and they are to be 300 ft. from it. Also, the hump in the road prevents people leaving Meadow Park Lane from seeing east.

(2a) When orchard roads were put on my steep property, shaped like wedding cake in layers, we had 6 ft. rattlers on our back porch! The snake problem will be dangerous to pets and people, when they invade our land. Tarantula spiders also.

(3a) I believe that "easements" are not to be "highways" and "public nuisances" destroying our property values. Pizzuto land (11.5 acres) going for "easement"

so that Pizzuto can show 41.25 acres for his lot split, is a way around the law. If I granted "easement" around periphery of my land to Hell's Angels for hill climbing practice, hearing loud motorcycles all hours, would that be a permitted easement?

(2)

(4a) My guesthouse is on east side of my land and they plan to make a very very steep gulley there, 60 ft. or more down, which will cause erosion, and perhaps ruin my guest house. The noise from the Meadow Park Lane road will make it uninhabitable. Noise travels upward.

(5a) We all purchased AG land for our lifestyle. I do not recall seeing "highway" as a permitted use of AG land. This destroys the ambiance of the surrounding houses.

(6a) I have lived here 15 years, spent a fortune fixing up my home for "retirement" and now find it is being destroyed. I am 70 and find this action "elder abuse" which is something my attorney mentioned to me. Having to relocate is hard with my plant nursery, trees, that I am propagating from my father's best fig tree. He had Hadley Fruit Orchards, died in 1985, and I can't transplant all of my 500 trees to another location easily!

My reply to the EIR Prep for the Merriam Mountains Specific Plan project GPA 04-06, SP 04-06, REZ 04-013, TM 5381, STP 04-035, STP 04-036, STP 04-037, STP 04-038, ER 04-08-028 follows:

First of all let me state that my property abuts the proposed road 'Meadow Park Lane.' We have lived here for 17 years.

(3)

1. Putting a major roadway (Meadow Park Lane) in the middle of a very rural area of A70 zoning (abutting neighbors have horses on their properties, as I do also) is putting a major development next to a private easement road (Deer Springs Place). They are putting high density right up to existing low density.

2. More roads are needed for access as well as emergency access (fire).

3. Area behind the beginning of Meadow Park Lane (at Sarver Lane) is a 100 Year Flood Plain Area and flooded out, back in the late '70's or early '80's. The road was not passable. This is a fact!

(4)

4. Traffic Report needs to be conducted during the school/college year. We have 2 colleges in San Marcos. Cal State San Marcos on South Twin Oaks Valley Rd. and Palomar College, off of Twin Oaks Valley Road. Also, most of the traffic to the 2 colleges exits I-15 at Deer Springs Rd. and travels down Deer Springs Rd. until they reach the colleges.

5. "Keystone Area" near Quarry is a wildlife habitat.

6. Is there enough water available to serve this project? We were notified this past summer by Vallecitos Water District that if we had several hot days in a row that we would be faced with periods of time in the day with no water.
7. Where will the garbage from this project go? They do not want to open the Gregory Canyon Landfill.
8. Is there enough energy to serve the 2391 dwelling units?
9. Extremely steep terrain (greater than 25% grade) will cause erosion problems with grading, even though the project is planning for "clustering".
10. Extremely large boulders through this entire project. Any disturbance could cause them to come down and go into a home or roadway.
- ⑤ 11. Deer Springs road has a very large "hump" in the road (at Meadow Park Lane area) which makes it very difficult to exit onto Deer Springs Rd. You cannot see oncoming traffic to the east (from I-15 direction).
12. Extremely large as well as long curve in Deer Springs Road right at the beginning of where the Merriam Mountain Parkway will begin.
13. This whole area is a "Extreme Fire Area" All that is needed is one spark from a tractor and all the 100+ year old chaparral which is all over the steep hills will incinerate the area. Also, area at Meadow Park Lane (near Sarver Lane) has a large "box canyon" which is a fire danger.
14. Each area of the project (or phase, I think there are 5 phases to this property) needs a road in and a road out for fire. NOT A DIVIDED ROAD such as Merriam Mountain Parkway and Meadow Park Lane.
15. Joe Perring at a Oct. 20, 2004 meeting stated that there will be rock crushers as well as the use of blasting material (dynamite) at each phase of the project. We will be faced with NOISE & Dust. A noise and dust analysis needs to be conducted.
- ⑥ 16. Mr. Perring also spoke of "detention basins" on this project; what about the threat of West Nile Virus that is occurring in California. According to the University of California at Davis web site, there have been 773 human cases as of 10/22/04 and 521 equine (horse) cases as of 10/21/04. What are they going to do about Vector Control?
- ⑦ 17. What will be done to control rats, snakes, and coyotes when the land is graded, from coming onto existing abutting properties such as my own? Mr. Perring spoke of an "animal crossing". I don't believe this will work. We have a

problem as is with coyotes and since we have horses, cats, and dogs, I have a big concern that they will encroach even more on to my property, since it abuts this proposed project.

18. There are no public services to this area yet they want to permit elderly housing.

Blackson, Kristin

T

From: Smithfield Farms [smithfieldfarms@pacbell.net]
Sent: Friday, October 29, 2004 2:47 PM
To: Blackson, Kristin
Subject: re: SMITH, PAUL Merriam Mtns EIR Comments

COUNTY OF SAN DIEGO
DEPARTMENT OF LAND USE AND PLANNING
ATTN: Kristin Blackson

Kristin,

We are Paul and Cathleen Smith, the property owners at 630 Deer Springs Road (DSR). Our two parcels incorporate approximately 7.5 acres with 350' frontage on DSR. Stonegate has purchased the two properties directly adjacent to our westerly 950' non-frontage property line. These two Stonegate parcels are being proposed to be used as the southern part of the new road - Meadow Park Lane. MPL is proposed as a connector road for the proposed project to DSR.

First, we would like to mention, it was a pleasure to meet you and your team from the County and we want to thank everyone for the input provided at the October 13th Public Scoping meeting. Many important issues were raised at the meeting and we feel we walked away more informed about the process for this project. Below are our comments for your consideration in determining the scope of the Merriam Mountains EIR.

From a general viewpoint, our concerns relate to the Traffic Studies. We would like to be assured that when the traffic studies are prepared the consultants take into account the current / future impact of the local college and university on local traffic patterns and of course, more obviously observe the current morning and afternoon rush hours - currently Deer Springs Road(DSR) is backed up from I 15 for 1 mile west for eastbound travelers in the evening and at least as far heading onto Twin Oaks Valley Road in the morning. Are the proposed MPL and the entry near I15 sufficient to handle the anticipated ADT's and for how far into the future?

We are also concerned about the impact 2,300 new residences will have on the existing public services - Sheriff, Fire and Medical Services. However, we assume these issues are already incorporated in the EIR.

From a more personal and specific viewpoint, we are very concerned about the negative impact that the proposed Meadow Park Lane (MPL) is going to have on our property and our daily life's. Starting with the commencement of construction through the long term impact, we are going to be significantly negatively impacted by the proposed MPL. The character of our property will be changed from a quiet, private residential horse ranch to a busy 'Corner Intersection' location fully exposed to roadway on the south and west property lines. We are currently a quiet DSR frontage property with a security gate entry. We own horses and have built our stables and horse facilities on the westerly side of the property. Being adjacent to a busy street is not what we anticipated when we located our horse facilities on the westerly side of our property; it currently is very quiet and peaceful.

Additionally, our current entry on DSR is located on the most westerly edge of our property and with the proposed location of MPL just 30' to the west it appears that we will be put in a position that could cause serious auto accidents, as well as cause us extreme difficulty in accessing/exiting our home. Not to mention the noise, traffic congestion issues and road dirt/fumes, etc. Also, we understand an additional ROW might be required for a deceleration lane onto MPL; it appears that it will be necessary for us to consider changing our access?

We are concerned about the level of street lighting. Will the required street lighting be of high or low density? The location of our home faces towards the proposed MPL and with high density lighting it could be quite intrusive.

Additionally, during the construction process of MPL we are concerned about access to our home and the impact the heavy equipment and blasting will have on our horses.

Conservatively speaking it will take at least 18 months to finish the road - the heavy equipment and blasting that will be required just feet from our stabled horses will not be acceptable for their care and stability.

Regarding construction concerns that arise during the construction process, will an oversight committee be created to handle any problems?

Another concern that significantly and directly negatively impacts us is the potential 'diminishing value' to our property. The more information we obtain, the more we are left with the opinion that our private residential property will no longer be suited for its current use. We have enjoyed our DSR frontage property and all that is 'not frontage'. We believe that the change to a corner location with a busy signaled intersection and two busy streets will not bring appreciation to our property. We are not in the real estate development business, and we do not have a desire to absorb a risk related to the Stonegate project' also, we do not wish to live at a location not suited for a quiet residential use.

Kristin, we have tried to compile our comments in a manner that hopefully will allow you to see our concerns and require that these issues be addressed in the County EIR. Should you have any questions, or require any additional information from us, please do not hesitate to contact us at 760-510-8224 or email: smithfieldfarms@pacbell.net

Sincerely,

PAUL and CATHLEEN SMITH

760-510-8224

630 Deer Springs Road

San Marcos, CA 92069

4

MERRIAM MOUNTAINS SPECIFIC PLAN
GPA 04-06, SP 04-06, REZ 04-013, TM 5381, STP 04-035, STP 04-036, STP 04-037, STP 04-038, ER 04-08-028

NOTICE OF PREPARATION PUBLIC REVIEW PERIOD
SEPTEMBER 30, 2004 THROUGH OCTOBER 29, 2004

PUBLIC SCOPING MEETING COMMENT SHEET

Wednesday, October 13, 2004
Twin Oaks High School
158 Cassou Road
San Marcos, CA 92069

WRITTEN COMMENT FORM

① Will Deer Springs Road be widened before construction begins so that the effect of construction traffic will be minimised?

Will the overpass be widened to accommodate the additional traffic? Will that be a condition of the approval?

(Attach additional pages as needed)


Signature Date 10/1

Jean M VanLigen
Print Name

8075-315 Lawrence Rd
Address

Escondido Ca. 92026
City State Zip Code

Phone Number

MAIL, FAX or E-MAIL FORMS TO:

Kristin Blackson
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123
FAX #: (858) 694-3012
e-mail: kristin.blackson@sdcounty.ca.gov

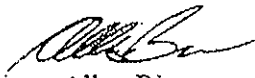
COMMENTS MUST BE RECEIVED BY 4:00 PM, OCTOBER 29, 2004

V

My reply to the EIR Prep for the Merriam Mountains Specific Plan project GPA 04-06, SP 04-06, REZ 04-013, TM 5381, STP 04-035, STP 04-036, STP 04-037, STP 04-038, ER 04-08-028

1. My primary concern that needs to be addressed is that the 2 major exits (Merriam Mountain Parkway and Meadow Park Lane) exit within a ½ mile of each other onto Deer Springs Road. In the case of a fire encroaching from the south, there is no exit to the north for the 10,000+ residents to try to exit onto. There needs to be an exit to the north. I would strongly recommend that the developer be required to implement a fire evacuation plan.

October 27, 2004



Allen Binns
2637 Deer Springs Place
San Marcos, CA 92069
760-744-5916

Karen
Birns

My reply to the EIR Prep for the Merriam Mountains Specific Plan project GPA 04-06, SP 04-06, REZ 04-013, TM 5381, STP 04-035, STP 04-036, STP 04-037, STP 04-038, ER 04-08-028

W

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October 27, 2004

Karen Binns

Karen Binns
2637 Deer Springs Place
San Marcos, CA 92069
760-744-5916

X

Blackson, Kristin

From: Pauline Hadley [phadley@inetworld.net]

Sent: Wednesday, October 20, 2004 6:08 PM

To: Blackson, Kristin

Subject: FW: Stonegate objections, some of them

-- Kristin: I can't handle these late night meetings, with Stonegate issues, driving after dark, in rain, over this Stonegate fiasco, but I wanted to forward some of my negatives on this proposal. Pauline Hadley

----- Forwarded Message

From: Pauline Hadley <phadley@inetworld.net>

Date: Wed, 20 Oct 2004 16:05:06 -0700

To: Bill Stocks Stonegate project Mgr
<william.stocks@sdcounty.ca.gov>

Subject: Stonegate objections, some of them

10-20-04--

Dear Mr. Stocks,

re: Stonegate Merriam Mountains Project

I have put down a few of the major objections to the project, not even mentioning the "Orange county look" and how out of place it is to our area, or the lack of "infrastructure" for this project, which are paramount in themselves.

Today's rain shows what happens here in the rain, and gets worse every year with global warming. We have had over 4 inches in last 4 days, as per my rain gauge, 610 Deer Springs Road, San Marcos, 92069.

I have stood outside (lived here 16 years now) at night with Santa Anna winds going 80 mph, whipping fires in my direction, wondering if it was now time to leave. With the additional traffic of Stonegate, leaving will not be an option, just stay and burn along with your home and animals.

Taking over Twin Oaks that is privately owned, taking down the gates, widening it, taking the yards of residents, ruining their lifestyle, seems very unethical to me, even for the tax money that it generates.

Putting in all of these chained "emergency exits" will just cause confusion in event of mass exodus, people not knowing how to escape.

At least 10 roads, open all of the time, clearly marked for exit in case of emergency, are necessary. People panic in fires.

You must have noticed that every year the winds and storms get worse, global warming, such as the hurricanes in Florida this year, that are anticipated to be worse in future.

Here are a few additional concerns:

1. Fire. All houses and construction are surrounded with inflammable natural vegetation, and I had a very hard time getting fire insurance as Chaparral was within 100 ft. of my property, altho I did not own the property. I had to join a farmer's club, that neighbor Larson's told me about, to even get fire insurance. The proposed homes are surrounded by chaparral.

2. Roads are not capable of handling heavy rains, such as we are having, and with a million cubic yards of dirt being moved, the mud slides, property destruction and loss of lives is readily apparent to those of us who live in this area and see the results of heavy rains (such as the one 10-20-04 today).

3. Due to the heavy traffic, emergency vehicles cannot come and go, and in case of fire, and auto collisions of those trying to escape, roads will become blocked and no chance of escape. Also no chance of trucks getting in to take care of the fires.

4. Noise of highway will destroy the lifestyle we have had, and disturb our animals as well. Fumes, pollution, along with the noise. This depreciates the value of our properties and takes away from our lifestyle we moved here to find.

5. Having another major road next door, Meadow Park Lane, is most distressing, and I am sure it will cause me to have to relocate. I am 70 now, and that means at 75 I have to move away? where? to Arizona? I am a native Californian, as was my father.

6. Alternative ingress egress suggested by Stonegate for my property that is not workable with my visitors having 40 ft. motor homes, and trucks coming to my property with nursery materials for my nursery. We have semi trucks, and we are just inches from the proposed new road. Meadow Park Lane will cause turns that these vehicles cannot make with the proposed width of road, turning radius, etc.

THEIR PROPERTY AT 630 DEER SPRINGS ROAD NOW HAS TREES BLOCKING ME GETTING OUT OF MY DRIVEWAY, VISUALLY, AND I HAVE TO PAY WORKERS TO TRIM THEIR TREES! I CANNOT SEE TO EXIT SAFELY, TO THE EAST.

7. Pizzuto land giving (for unknown millions) the access to Stonegate, is in question also. Pizzuto owns the two hills behind Kim and Clark property they overpaid for. Pizzuto is "giving" them 12 of his 41 acres, then wanting 3 building lots on land that 85% of it is greater than 25% grade. Pizzuto submitted plans "forgetting" to mention the promised 12 acre "easement" to Stonegate, to get their

lots OK'd first!

We are aware of the overpayment to Kim and Clark for their properties, but no compensation for property value destruction has been suggested to current owners who are having their values plummet due to this proposed road Meadow Park Lane.

8. The water treatment facility, trucks with rocks, from the quarry, coupled with all of the construction equipment and trucks, will work a hardship on existing residents. Those with horses especially will have problems. Treatment plant having various hazardous chemicals, and future spills that kill everything in 2 mile radius (liquid chlorine) seem to be ignored or sluffed off. No one seems to know if liquid chlorine or ammonia is the chemical, and frankly, my question was rather "sluffed over" and considered of no value, at last meeting , in my opinion. These chemicals kill!
Chemical spills happen!
9. The quality of life the residents have enjoyed will be nonexistent, and the noise will interrupt their peace of mind for years. Dust and pollution will cause illness of current residents.
10. Using an agricultural lot, changing the zoning, seems inappropriate. If zoning is to be changed for Stonegate, it seems all zoning of adjacent properties should also be changed to one house per acre, one dwelling per acre. Why give preferential treatment to Stonegate and let them violate zoning, while you make the long time residents adhere to it! I was told I could not even put up another storage shed by the county! Yet they can change zoning and violate our lifestyle?!
11. Golden Door business will be ruined, and if they close, future buyer will be another developer, making further traffic demands.
12. 30,000 more "trips per day" for the commercial 12 acres, and 2391 homes, will overburden Deer Springs, even if it is widened to 4 lane with one turning lane.
13. Interstate 15 will be a slowly moving parking lot, and people who have accidents will be unable to get medical in time.
14. Another chemical spill will hinder 2391 people from getting home, and cause them to sleep in their cars.
15. Water shortages we hear of, will cause water rationing, so those with income from their plants, may suffer financial losses.
16. Santa Ana winds get up to 90 miles per hour, during the 16 years I have lived here, and fire cannot deal with winds of that nature. People will perish who cannot get to Deer Springs Road, which will be bumper to bumper, as well as highway 15.
17. Stonegate needs to find their own offramp off of I-15, and avoid Deer Springs road altogether, using Gopher Canyon perhaps.
18. Density of this project is much too great, and should be 25% of what is

proposed for the safety of future residents.

19. A school should be provided for the children this brings in.

20. Policing and maintenance of all of the "parks" where the child molesters hang out, must be taken into consideration. What does it cost to maintain all of the parks, trails, they are proposing to "give" to us to maintain?

21. I am having to find other places to move to, have a very expensive move, and my business (Nursery) will have to be abandoned, in the process, if you let Stonegate ruin our valley. When we reach the twilight years of our lives, and have our lifestyle ruined by Orange County Developers, it makes us wonder why our government is letting this happen to us. This is a terrible way to treat your citizens, and is ELDER ABUSE, for those of us over 65 years of age. I am 70.

----- End of Forwarded Message

William. H. H. H.

Y

FINMOR FARMS



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Kristin Blackson
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

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San Diego County
DEPT. OF PLANNING & LAND USE

October 27, 2004

RE: Merriam Mountains Specific Plan GPA 04-06, SP04-06, REZ 04-13, TM 5381, STP 04-035, STP 04-036, STP 04-037, STP 04-038, ER 04-08-028

Dear Kristin Blackson,

This letter is written to provide comments for the scope and content for the Notice of Preparation of the subject project.

Project Design Overview: This project is in complete contradiction to current zoning and will produce significant cumulative impacts to the residents of this area if approved at the 2,391 dwelling unit density. The EIR should address these significant impacts and the County should not approve this growth inducing level of development. The level of development should only be approved for the current allowable as determined by existing County Zoning.

Traffic and Circulation:

The current roadway system through the area is Deer Springs Road, Twin Oaks Valley Road, and Buena Creek Road. These roads are currently operating at a level F. The significant traffic coming south from Riverside County seriously affects this area. Interstate 15 routinely backs up in the AM peak period to the Deer Springs Exit and commuters use the above surface roads to get around the impacts of the heavy AM peak commute. In the PM peak the opposite occurs. Already local residents find it extremely difficult just to leave their homes during the peak commute periods. The level of development is significantly higher than what the property would be allowed to develop with current zoning. The EIR needs to address this significant impact and the area of

(1) investigation for traffic should include a wide area of local traffic patterns. The developer should be required to mitigate the traffic impacts to levels consistent with current zoning. The Developer should be required to provide access to this level of development directly from Interstate 15 and not impose significant impacts to the local area, or as a minimum the traffic should only come from Lawrence Welk Drive.

The local urban area is serviced with a roadway system that should not be enlarged just to satisfy the applicants request for increased density. The local residents want their urban environment protected from this type of growth inducing development.

The applicant indicated that the Fire Department is requesting that N. Twin Oaks be extended to Gopher Canyon Road. Local residents are adamantly opposed to this.

(2) **Land Use:** This project consisting of clustered housing is completely inconsistent with current zoning. The developer should not be allowed to create distinctive neighborhoods that are in complete contradiction to the urban setting of this area. Residents have for many years built their homes and developed their property complying with existing zoning. This urban and agriculture residential should not be allowed to be compromised.

Project Phasing: The developer is indicating that 12 million cubic yards of earthwork would be moved onsite. This amount of earthwork is so extraordinary that the impacts to local residents is difficult to imagine. The EIR has to review this amount of grading and give assurance to the local residents that their lives will not be significantly impacted. The noise associated with blasting will need review. Also the significant construction traffic will need to be analyzed.

Noise: The significant amount of traffic from this project will need analysis from the perspective of roadway noise on the local road systems.

Traffic: The cumulative affect of all projects currently being considered for this area needs to be addressed. There are two projects Casa De Ampara and TERI being considered for the area, as well as a potential site for the Palomar Hospital.

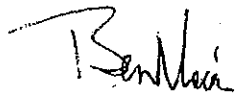
Population and Housing: This development encourages population growth to an area whose infrastructure cannot handle the growth. With approval of this project other developers will seek the same level of density allowances which will effectively eliminate the urban population of this area.

(3) The developer indicated in the public hearing that he proposed that the development would become a gated community. This completely negates any claims to protecting open space for the community. If the County actually approves this development than the area should be open to all San Diego residents.

Our quality of life should not be compromised just to satisfy any developers thirst for profit. This Orange County developer is representing many property owners who are not

of this area or of this country. This developer has heard from the community over the past two years over and over about our opposition to this level of development. This developer continues to pursue a project that no one wants, and that should not be approved. The EIR needs to very clearly show the significant cumulative impacts to this community and the decision makers should only approve a project that is consistent with current zoning or mitigates the impacts to no more than current zoning.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ben Morris".

Ben Morris

A handwritten signature in black ink, appearing to read "Valerie Morris".

Valerie Morris